The Journal OF THE House of Representatives

Number 20 **Tuesday, April 14, 1998**

The House was called to order by the Speaker at 8:30 a.m.

Prayer

The following prayer was offered by the Reverend Dick Jenkins of First Christian Church, Disciples of Christ, of Naples, upon invitation of Rep. Saunders:

Lord Jesus, we come to you for blessings this day. We give thanks for every challenge that this day will bring forth to us; thanks for new thoughts and thanks for new inspirations; thanks for keeping us from unkind words and from unkind silences.

Lord, we try to plan today the future, and we do so as legislative geniuses. Hear us as we pray. Equip us with inspirational wisdom for tasks, duties, and lessons to learn that we may apply our very best; reassurance for our breathing aspirations; and pardon even for an ounce of selfishness that we may possess. Our gratitude, Lord, is to thee. Amen.

The following Members were recorded present:

The Chair	Cosgrove	Heyman	Posey
Albright	Crady	Hill	Prewitt, D.
Alexander	Crist	Horan	Pruitt, K.
Andrews	Crow	Jacobs	Putnam
Argenziano	Culp	Jones	Rayson
Arnall	Dawson-White	Kelly	Reddick
Arnold	Dennis	King	Ritchie
Bainter	Diaz de la Portilla	Kosmas	Ritter
Ball	Dockery	Lacasa	Roberts-Burke
Barreiro	Edwards	Lawson	Rodriguez-Chomat
Betancourt	Effman	Lippman	Rojas
Bitner	Eggelletion	Littlefield	Saunders
Bloom	Fasano	Livingston	Sembler
Boyd	Feeney	Logan	Silver
Bradley	Fischer	Lynn	Sindler
Brennan	Flanagan	Mackenzie	Smith
Bronson	Frankel	Maygarden	Spratt
Brooks	Fuller	Meek	Stabins
Brown	Futch	Melvin	Stafford
Burroughs	Garcia	Merchant	Starks
Bush	Gay	Miller	Sublette
Byrd	Goode	Minton	Tamargo
Carlton	Gottlieb	Morroni	Thrasher
Casey	Greene	Morse	Tobin
Chestnut	Hafner	Murman	Trovillion
Clemons	Harrington	Ogles	Turnbull
Constantine	Healey	Peaden	Valdes
Villalobos	Warner	Westbrook	Wise
Wallace	Wasserman Schultz	Wiles	Ziebarth

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The Members, led by Leroy Baines, Jr., Jonathan Bouchlas, John Tyler Harding, Laura Kay Parker, Latrevia K. Somerville, and Brendan Flanagan, pledged allegiance to the Flag. Leroy Baines, Jr., of Fort Lauderdale served at the invitation of Rep. Eggelletion. Jonathan Bouchlas of Royal Palm Beach and John Tyler Harding of Jacksonville served at the invitation of Rep. Thrasher. Laura Kay Parker of Orlando served at the invitation of the Speaker. Latrevia K. Somerville of Pensacola served at the invitation of Rep. Ritchie. Brendan Flanagan of Bradenton served at the invitation of Rep. Flanagan.

House Physician

The Speaker introduced Dr. V. A. Marks of North Palm Beach, who served in the Clinic today upon invitation of Rep. Merchant.

Correction of the *Journal*

The *Journal* of April 13 was corrected and approved as corrected.

Messages from the Senate

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 1727, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 1727—A bill to be entitled An act relating to assault and battery upon code inspectors; creating s. 784.083, F.S.; providing enhanced penalties for assault or aggravated assault or battery or aggravated battery upon a "code inspector," as defined; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart; providing for ranking of the offenses of aggravated assault upon a code inspector, battery upon a code inspector, and aggravated battery upon a code inspector; providing an effective date.

Senate Amendment 1—On page 1, line 22, after the second comma (,) insert: *while the code inspector is engaged in the lawful performance of his or her duties and*

On motion by Rep. Livingston, the House concurred in Senate Amendment 1. The question recurred on the passage of CS/HB 1727. The vote was:

Yeas—100

The Chair	Cosgrove	Jacobs	Rayson
Albright	Crady	Jones	Reddick
Alexander	Crist	Kelly	Ritchie
Andrews	Culp	King	Ritter
Argenziano	Dennis	Kosmas	Rodriguez-Chomat
Arnall	Diaz de la Portilla	Lippman	Saunders
Arnold	Dockery	Littlefield	Sembler
Bainter	Edwards	Livingston	Silver
Ball	Effman	Logan	Smith
Barreiro	Fasano	Lynn	Spratt
Betancourt	Feeney	Mackenzie	Stabins
Bitner	Fischer	Maygarden	Stafford
Bloom	Flanagan	Melvin	Starks
Boyd	Frankel	Merchant	Tamargo
Bronson	Fuller	Miller	Thrasher
Brooks	Futch	Minton	Tobin
Brown	Gay	Morroni	Trovillion
Burroughs	Goode	Morse	Turnbull
Bush	Gottlieb	Murman	Valdes
Byrd	Greene	Ogles	Wallace
Carlton	Hafner	Peaden	Warner
Casey	Harrington	Posey	Westbrook
Chestnut	Healey	Prewitt, D.	Wiles
Clemons	Heyman	Pruitt, K.	Wise
Constantine	Horan	Putnam	Ziebarth

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:
Yeas—Crow, Hill, Meek, Roberts-Burke, Sindler

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 2019, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 2019—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multiyear contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; providing for department contracts to include certain incentives; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; requiring reports to the Legislature by the department; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 17, line 27, through page 18, line 22, delete section 3.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 25-30, delete those lines and insert: Legislature by the department; providing an

On motion by Rep. Littlefield, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 2019. The vote was:

Yeas—106

The Chair	Crist	Kelly	Rojas
Albright	Culp	King	Sanderson
Alexander	Dennis	Kosmas	Saunders
Andrews	Diaz de la Portilla	Lippman	Sembler
Argenziano	Dockery	Littlefield	Silver
Arnall	Edwards	Livingston	Smith
Arnold	Effman	Logan	Spratt
Bainter	Fasano	Lynn	Stabins
Ball	Feeney	Mackenzie	Stafford
Barreiro	Fischer	Maygarden	Starks
Betancourt	Flanagan	Melvin	Sublette
Bitner	Frankel	Merchant	Tamargo
Bloom	Fuller	Miller	Thrasher
Boyd	Futch	Minton	Tobin
Brennan	Garcia	Morroni	Trovillion
Bronson	Gay	Morse	Turnbull
Brooks	Goode	Murman	Valdes
Burroughs	Gottlieb	Ogles	Villalobos
Bush	Greene	Peaden	Wallace
Byrd	Hafner	Posey	Warner
Carlton	Harrington	Prewitt, D.	Wasserman Schultz
Casey	Healey	Pruitt, K.	Westbrook
Chestnut	Heyman	Putnam	Wiles
Clemons	Hill	Reddick	Wise
Constantine	Horan	Ritchie	Ziebarth
Cosgrove	Jacobs	Ritter	
Crady	Jones	Rodriguez-Chomat	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey,

K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:
Yeas—Crow, Lacasa, Meek, Rayson, Roberts-Burke, Sindler

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Daniel Webster, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1402, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Executive Business, Ethics and Elections and Senator Latvala and others—

CS for SB 1402—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license or Florida identification number be included in the uniform statewide voter registration application; amending s. 196.111, F.S.; providing for notice of termination of homestead exemption; creating s. 196.115, F.S.; providing for termination of homestead exemption and subsequent disqualification upon registration as an elector in another precinct; amending s. 196.121, F.S.; requiring homestead exemption forms to include notice of the requirements for factual determination of permanent residency by the property appraiser and notice of the requirements relating to voter registration and the potential loss of homestead exemption; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information of a witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.061, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing a time period for filing complaints with the commission; providing for civil penalties; amending s. 106.265, F.S.; requiring the Department of Revenue to collect civil fines levied by the Florida Elections Commission; providing an appropriation; providing effective dates.

—was read the first time by title. On motion by Rep. Morse, the rules were suspended and the bill was read the second time by title.

Representative(s) Morse offered the following:

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (12) is added to section 97.012, Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(12) Maintain a voter fraud hotline and provide election-fraud education to the public.

Section 2. Subsection (11) is added to section 98.015, Florida Statutes, to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(11) Each supervisor of elections shall forward, to the property appraiser for the county in which the homestead is claimed, the name of the person and the address of the homestead of each person who registers to vote at an address other than that at which the person claims a homestead exemption, as disclosed on the uniform statewide voter registration application pursuant to s. 97.052.

Section 3. Subsection (1) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) "Absent elector" means any registered and qualified voter who: ~~is unable to attend the polls on election day.~~

(a) Is unable without another's assistance to attend the polls.

(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he or she is registered to vote.

(c) On account of the tenets of his or her religion, cannot attend the polls on the day of the general, special, or primary election.

(d) May not be in the precinct of his or her residence during the hours the polls are open for voting on the day of the election.

(e) Has changed his or her residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.

(f) Has changed his or her residency to another state and is ineligible under the laws of that state to vote in the general election; however, this pertains only to presidential ballots.

Section 4. Effective July 1, 1999, subsections (2) and (3) of section 97.052, Florida Statutes, are amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) Full name.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) County of legal residence.

(f) Address of property for which the applicant has been granted a homestead exemption, if any.

(g)~~(f)~~ Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not Hispanic.

4. White, not Hispanic.

5. Hispanic.

(h)~~(g)~~ Sex.

(i)~~(h)~~ Party affiliation.

(j)~~(i)~~ Whether the applicant needs assistance in voting.

(k)~~(j)~~ Name and address where last registered.

(l)~~(k)~~ *Last four digits of the applicant's* social security number ~~(optional)~~.

(m) Florida Driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n)~~(l)~~ Telephone number (optional).

(o)~~(m)~~ Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(p)~~(n)~~ Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

(q)~~(o)~~ Whether the applicant is a citizen of the United States.

(r)~~(p)~~ That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.

(s)~~(q)~~ That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form *must* ~~shall~~ be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

~~(d) A statement that the disclosure of a social security number is voluntary, a citation of the statutory authority under which the social security number is being solicited, a delineation of the uses that will be made of the social security number, and a notice that the social security number will be open to public inspection.~~

(d)~~(e)~~ A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e)~~(f)~~ A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.

Section 5. Effective July 1, 1999, subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.

2. The applicant's legal residence address.

3. The applicant's date of birth.

4. An indication that the applicant is a citizen of the United States.

5. The last four digits of the applicant's social security number.

6.~~5.~~ An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7.~~6.~~ An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8.~~7.~~ Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

Section 6. Effective July 1, 1999, section 97.056, Florida Statutes, is created to read:

97.056 Registration by mail; persons required to vote in person.—

(1) Any registered voter who has registered by mail and has not previously voted in the county in which he or she is registered must vote:

(a) In person at the precinct in which he or she is registered to vote; or

(b) In person at the office of the supervisor of elections, as provided in s. 101.657.

(2) The provisions of this section do not apply to a person who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and

Handicapped Act, or any other federal law, or an elector who is absent from the county and does not plan to return before the day of the election.

Section 7. Present subsections (2) and (3) of section 97.071, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section to read:

97.071 Registration identification card.—

(2)(a) Except as provided in paragraph (b), the supervisor of elections shall mail a registration identification card to the voter at the address listed as the legal residence on the voter's registration application. The card must be sent by nonforwardable, return-if-undeliverable mail. If the identification card is returned as undeliverable and the voter has indicated a different mailing address on the registration application, the supervisor must mail a notice to the mailing address, notifying the voter that his or her registration identification card was returned and that the voter may appear in person at the supervisor's office to pick up the identification card. The supervisor must surrender the identification card to the elector upon presentation of a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor has doubts as to the identity of the elector, the supervisor must require the elector to swear an oath substantially similar to the one prescribed in s. 101.49 prior to surrendering the identification card. The supervisor must keep the identification card on file for 45 days following return of the card as undeliverable.

(b) The supervisor shall mail the voter identification card by forwardable mail to voters who are covered by the Uniformed and Overseas Citizens Absentee Voting Act.

Section 8. Effective upon this act becoming a law, section 98.0975, Florida Statutes, is created to read:

98.0975 Central voter file; periodic list maintenance.—

(1) By August 15, 1998, the division shall provide to each county supervisor of elections a list containing the name, address, date of birth, race, gender, and any other available information identifying the voter of each person included in the central voter file as a registered voter in the supervisor's county who:

(a) Is deceased;

(b) Has been convicted of a felony and has not had his or her civil rights restored; or

(c) Has been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored.

(2) The division shall annually update the information required in subsection (1), and forward a like list to each supervisor by June 1 of each year.

(3)(a) In order to meet its obligations under this section, the division shall annually contract with a private entity to compare information in the central voter file with available information in other computer databases, including, without limitation, databases containing reliable criminal records and records of deceased persons.

(b) The entity contracted by the division is designated as an agent of the division for purposes of administering the contract, and must be limited to seeking only that information which is necessary for the division to meet its obligations under this section. Information obtained under this section may not be used for any purpose other than determining voter eligibility.

(4) Upon receiving the list from the division, the supervisor must remove from the registration books by the next subsequent election the name of any person who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting.

Section 9. Effective upon this act becoming a law, section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification ~~approved by the Department of State~~, which *must* ~~shall~~ include, but *is* not ~~be~~ limited to, *a* ~~the voter registration identification card and~~ Florida driver's license, *a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State.* The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

Section 10. Effective upon this act becoming a law, section 98.471, Florida Statutes, is amended to read:

98.471 Use of precinct register at polls.—The precinct register, as prescribed in s. 98.461, may be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present *a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification* ~~one of the forms of identification which are on the list of forms~~ approved by the Department of State ~~pursuant to s. 98.461~~. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector. If the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49. The precinct register may also contain the information set forth in s. 101.47(8) and, if so, the inspector shall follow the procedure required in s. 101.47, except that the identification provided by the elector shall be used for the signature comparison.

Section 11. Effective upon becoming law, subsection (2) of section 100.041, Florida Statutes, is amended to read:

100.041 Officers chosen at general election.—

(2)*(a)* Each county commissioner from an odd-numbered district shall be elected at the general election in each year the number of which is a multiple of 4, for a 4-year term commencing on the second Tuesday following such election, and each county commissioner from an even-numbered district shall be elected at the general election in each even-numbered year the number of which is not a multiple of 4, for a 4-year term commencing on the second Tuesday following such election.

(b) Notwithstanding paragraph (a), the governing board of a charter county may provide by ordinance that the terms of its members shall commence on a date later than the second Tuesday following general

elections, but in any case the date of commencement shall be uniform for all members and shall be no later than the first Tuesday after the first Monday in January following each member's election.

Section 12. Subsection (3) is added to section 101.5611, Florida Statutes, to read:

101.5611 Instructions to electors.—

(3) The supervisor of elections shall have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years."

Section 13. Effective upon this act becoming a law, subsections (1) and (4) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)*(a)* The supervisor may accept a request for an absentee ballot from an elector *in person or in writing.* ~~or for an elector from any person designated by such elector. Such request may be made in person, by mail, or by telephone.~~ One request shall be deemed sufficient to receive an absentee ballot for all elections which are held within a calendar year, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested;

2. The elector's address;

3. The last four digits of the elector's social security number;

4. The registration number on the elector's registration identification card;

5. The requester's name;

6. The requester's address;

7. The requester's social security number and, if available, driver's license number;

8. The requester's relationship to the elector; and

9. The requester's signature (written requests only).

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. The advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(b) As soon as the remainder of the absentee ballots are printed, the supervisor shall *provide* ~~deliver or mail~~ an absentee ballot to each elector by whom a request for that ballot has been made *by one of the following means:*~~.~~

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor, unless the elector specifies in the request that:

a. The elector is absent from the county and does not plan to return before the day of the election;

b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

c. The elector is in a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility,

in which case the supervisor shall mail the ballot nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

2. By forwardable mail to voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Voting Act.

3. By personal delivery to the elector, upon presentation of the identification required in s. 101.657.

4. By delivery to a designee on election day or up to 4 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

Section 14. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, ... , am a qualified and registered voter of . . . . County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined

up to $5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

1. I am unable without another's assistance to attend the polls.

2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.

3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.

4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.

5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.

6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections. . . .(Voter's Signature). . . . . .(Last four digits of voter's social security number). . .

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

. . .(Signature of Applicant). . .

Sworn to (or affirmed) and subscribed before me this .... day of . . . . . , . . .(year). . ., by . . .(name of person making statement). . .. My commission expires this .... day of . . . . . , . . .(year). . ..

. . .(Signature of Official). . .

. . .(Print, Type, or Stamp Name). . . . . .(State or Country of Commission). . .

Personally Known . . . . . OR Produced Identification . . . . . .

Type of Identification Produced . . . . . .

OR

b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that I have not witnessed more than 5 ballots for this election.

WITNESS:

. . .(Signature of Witness). . .

. . .(Printed Name of Witness). . .

. . .(Voter I.D. Number of Witness and County of Registration). . .

. . .(Address). . .

. . .(City/State). . .

~~Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.~~

~~VOTER'S CERTIFICATE~~

~~I, . . .(print name). . ., do solemnly swear or affirm that I am a qualified elector in this election, that I am unable to attend the polls on election day, and that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.~~

~~. . .(Voter's Signature). . .~~

~~Note: Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in Item 7. of the Instruction Sheet.~~

~~I swear or affirm that the elector signed this Voter's Certificate in my presence.~~

~~. . .(Signature of Witness). . .~~

~~. . .(Address). . .~~ ~~. . .(City/State). . .~~

Section 15. Section 101.647, Florida Statutes, is created to read:

101.647 Return of absentee ballots.—

(1) Absentee ballots must be returned to the supervisor of elections by the elector, either in person or by mail, or by an absentee ballot coordinator as provided by s. 101.685.

(2) If the elector is unable to mail or personally deliver the ballot, the elector may designate in writing a person who may return the ballot for the elector; however, the person designated may not return more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be returned for members of the designee's immediate family. For purposes of this section, the term "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee must provide to the supervisor the written authorization by the elector and a picture identification of the designee.

Section 16. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.

2. Mark your ballot in secret as instructed on the ballot. *You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.*

3. Place your marked ballot in the enclosed secrecy envelope.

4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

6. VERY IMPORTANT. *In order for your absentee ballot to be counted, you must* sign your name on the line above "(Voter's Signature), *and your ballot must be witnessed in either of the following manners:*~~.~~"

a. One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing 5 ballots per election. A candidate may not serve as an attesting witness.

b. Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.

~~7. VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. No candidate may serve as an attesting witness.~~

7.~~8.~~ Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

8. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false of fraudulent.

Section 17. Section 101.657, Florida Statutes, is created to read:

101.657 Voting absentee ballots in person.—Notwithstanding s. 97.021(1), any qualified and registered elector who is unable to attend the polls on election day may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49.

Section 18. Effective upon this act becoming a law, section 101.66, Florida Statutes, is created to read:

101.66 Voting absentee ballots.—All electors must personally mark or designate their choices on the absentee ballot, except:

(1) Electors who require assistance to vote because of blindness, disability, or inability to read or write, who may have some person of the elector's choice, other than the elector's employer, an agent of the employer, or an officer or agent of the elector's union, mark the elector's choices or assist the elector in marking his or her choices on the ballot.

(2) As otherwise provided in s. 101.051 or s. 101.655.

Section 19. Section 101.665, Florida Statutes, is amended to read:

101.665 Administration of oaths; military personnel, federal employees, and other absentee registrants.—For the purposes of this code, oaths may be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, any civilian official empowered by state or federal law to administer oaths, *any supervisor of elections, deputy supervisor of elections, or employee of the supervisor of elections when designated by the supervisor of elections,* or any civilian employee designated by the head of any department or agency of the United States, except when this code requires an oath to be administered and attested by another official specifically named.

Section 20. Section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor may compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to determine whether the elector is duly registered in the county and may record on the elector's registration certificate that the elector has voted. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote.

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin upon the opening of the polls on election day. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be made until after the close of the polls on election day.

(b) To ensure that all absentee ballots to be counted by the canvassing board are accounted for, the canvassing board shall compare the number of ballots in its possession with the number of requests for ballots received to be counted according to the supervisor's file or list.

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. An absentee ballot shall be considered illegal if it does not include the signature *and the last four digits of the social security number* of the elector, as shown by the registration records, and *either:*

a. The subscription of a notary or officer defined in Item 6.b. of the instruction sheet, or

b. The signature, printed name, address, voter identification number, and county of registration of one attesting witness, who is a registered voter in the state. ~~the signature and address of an attesting witness.~~

However, an absentee ballot shall not be considered illegal if the signature of the elector or attesting witness does not cross the seal of the mailing envelope *or if the person witnessing the ballot is in violation of s. 104.047(3).* If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

2. If any elector or candidate present believes that an absentee ballot is illegal due to a defect apparent on the voter's certificate, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate may not be accepted after the ballot has been removed from the mailing envelope.

(d) The canvassing board shall record the ballot upon the proper record, unless the ballot has been previously recorded by the supervisor. The mailing envelopes shall be opened and the secrecy envelopes shall be mixed so as to make it impossible to determine which secrecy envelope came out of which signed mailing envelope; however, in any county in which an electronic or electromechanical voting system is used, the ballots may be sorted by ballot styles and the mailing envelopes may be opened and the secrecy envelopes mixed separately for each ballot style. The votes on absentee ballots shall be included in the total vote of the county.

(3) The supervisor or the chair of the county canvassing board shall, after the board convenes, have custody of the absentee ballots until a final proclamation is made as to the total vote received by each candidate.

(4) The supervisor of elections shall, on behalf of the county canvassing board, notify each elector whose ballot was rejected as illegal because of a difference between the elector's signature on the ballot and that on the elector's voter registration record. The supervisor shall mail a voter registration application to the elector to be completed indicating the elector's current signature. This section does not prohibit the supervisor from providing additional methods for updating an elector's signature.

Section 21. Section 101.685, Florida Statutes, is created to read:

101.685 Absentee ballot coordinators.—

(1) At least 28 days before a general or special election, each political party may designate in writing with the county supervisor of elections the names of persons to serve as absentee ballot coordinators. Each political party may designate a number of absentee ballot coordinators for each county equal to two times the number of Florida House of Representatives districts, all or part of which lie within the county.

(2) Notwithstanding any other provision of this chapter, an absentee ballot coordinator may:

(a) witness an unlimited number of absentee ballots;

(b) request absentee ballots on behalf of registered voters, either in writing or by telephone; and,

(c) return an unlimited number of voted absentee ballots to the supervisor of elections.

Section 22. Subsection (2) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(2) Each member of the election board shall be able to read and write the English language and shall be a registered qualified elector of the county in which the member is appointed *or a person who has preregistered to vote, pursuant to s. 97.041(1)(b), in the county in which the member is appointed*. No election board shall be composed solely of members of one political party; however, in any primary in which only one party has candidates appearing on the ballot, all clerks and inspectors may be of that party. Any person whose name appears as an opposed candidate for any office shall not be eligible to serve on an election board.

Section 23. Section 104.012, Florida Statutes, is amended to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation; alteration of registration application.—

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084*. This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

(2) A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083 , *or s. 775.084*, and, upon any subsequent conviction, commits a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084*.

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084*.

Section 24. Section 104.013, Florida Statutes, is amended to read:

104.013 Unauthorized use, possession, or destruction of voter registration identification card.—

(1) It is unlawful for any person knowingly to have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter registration identification card unless possession by such person has been duly authorized by the supervisor.

(2) It is unlawful for any person to barter, trade, sell, or give away a voter registration identification card unless said person has been duly authorized to issue a registration identification card.

(3) It is unlawful for any person willfully to destroy or deface the registration identification card of a duly registered voter.

(4) Any person who violates any of the provisions of this section commits a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084*.

Section 25. Section 104.045, Florida Statutes, is amended to read:

104.045 Vote selling.—Any person who:

(1) Corruptly offers to vote for or against, or to refrain from voting for or against, any candidate in any election in return for pecuniary or other benefit; or

(2) Accepts a pecuniary or other benefit in exchange for a promise to vote for or against, or to refrain from voting for or against, any candidate in any election,

is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084*.

Section 26. Section 104.047, Florida Statutes, is created to read:

104.047 Absentee voting.—

(1) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, except as provided in ss. 101.6105-101.694, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Except as provided in s. 101.62, s. 101.655, or s. 101.685, any person who requests an absentee ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person, other than a notary or other officer entitled to administer oaths or an absentee ballot coordinator as provided by s. 101.685, who witnesses more than 5 ballots in any single election, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.66, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person, other than an absentee ballot coordinator under s. 101.685, who returns more than 2 absentee ballots to the supervisors of elections in violation of s. 101.647 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 27. Subsection (4) of section 104.051, Florida Statutes, is amended to read:

104.051 Violations; neglect of duty; corrupt practices.—

(4) Any supervisor, deputy supervisor, or election employee who attempts to influence or interfere with any elector voting a ballot *commits* ~~is guilty of~~ a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084*.

Section 28. Section 104.0515, Florida Statutes, is amended to read:

104.0515 Voting rights; deprivation of, or interference with, prohibited; penalty.—

(1) All citizens of this state who are otherwise qualified by law to vote at any election by the people in this state or in any district, county, city, town, municipality, school district, or other subdivision of this state shall be entitled and allowed to vote at all such elections without distinction according to race, color, or previous condition of servitude, notwithstanding any law, ordinance, regulation, custom, or usage to the contrary.

(2) No person acting under color of law shall:

(a) In determining whether any individual is qualified under law to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under law to other individuals within the same political subdivision who have been found to be qualified to vote; or

(b) Deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under law to vote in such election. This paragraph shall apply to absentee ballots only if there is a pattern or history of discrimination on the basis of race, color, or previous condition of servitude in regard to absentee ballots.

(3) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or

coerce, any other person for the purpose of interfering with the right of such other person to vote or not to vote as that person may choose, or for the purpose of causing such other person to vote for, or not vote for, any candidate for any office at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(4) No voting qualification or prerequisite to voting, and no standard, practice, or procedure, shall be imposed or applied by any political subdivision of this state to deny or abridge the right of any citizen to vote on account of race or color.

(5) Any person who violates the provisions of this section is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084*.

Section 29. Subsection (1) of section 104.061, Florida Statutes, is amended to read:

104.061 Corruptly influencing voting.—

(1) Whoever by bribery, menace, threat, or other corruption whatsoever, either directly or indirectly, attempts to influence, deceive, or deter any elector in voting or interferes with him or her in the free exercise of the elector's right to vote at any election *commits* ~~is guilty of~~ a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084* for the first conviction, and a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any subsequent conviction.

Section 30. Section 104.081, Florida Statutes, is amended to read:

104.081 Threats of employers to control votes of employees.—It *is* ~~shall be~~ unlawful for any person having one or more persons in his or her service as employees to discharge or threaten to discharge any employee in his or her service for voting or not voting in any election, state, county, or municipal, for any candidate or measure submitted to a vote of the people. Any person who violates the provisions of this section is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084*.

Section 31. Section 104.24, Florida Statutes, is amended to read:

104.24 Penalty for assuming name.—*A person may not* ~~No registered elector shall~~, in connection with any part of the election process, fraudulently call himself or herself, or fraudulently pass by, any other name than the name by which the *person* ~~elector~~ is registered or fraudulently use the name of another in voting. Any person who violates this section is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, *or s. 775.084*.

Section 32. Section 104.42, Florida Statutes, is amended to read:

104.42 Fraudulent registration and illegal voting; investigation.—

(1) The supervisor of elections is authorized to investigate fraudulent registrations and illegal voting and to report his or her findings to the local state attorney and the Florida Elections Commission.

(2) The board of county commissioners in any county may appropriate funds *to the supervisor of elections* for the purpose of investigating fraudulent registrations and illegal voting.

Section 33. Subsection (2) of section 117.05, Florida Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(2)*(a)* The fee of a notary public may not exceed $10 for any one notarial act, except as provided in s. 117.04.

(b) A notary public may not charge a fee for witnessing an absentee ballot in an election, and must witness such a ballot upon the request of an elector, provided the notarial act is in accordance with the provisions of this chapter.

Section 34. Section 106.25, Florida Statutes, is amended to read:

106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.—

(1) Jurisdiction to investigate and determine violations of this chapter *and chapter 104* is vested in the Florida Elections Commission; however, nothing in this section limits the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) The commission shall investigate all violations of this chapter *and chapter 104*, but only after having received either a sworn complaint or information reported to it by the Division of Elections. Any person, other than the division, having information of any violation of this chapter *or chapter 104* shall file a sworn complaint with the commission. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator. *All sworn complaints alleging violations of the Florida Elections Code over which the commission has jurisdiction shall be filed with the commission within 2 years of the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission.*

(3) For the purposes of commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter *or chapter 104* or the willful failure to perform an act required by this chapter *or chapter 104*.

(4) The commission shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred. Upon completion of the preliminary investigation, the commission shall, by written report, find probable cause or no probable cause to believe that this chapter or *chapter 104* ~~s. 104.271~~ has been violated.

(a) If no probable cause is found, the commission shall dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator.

(b) If probable cause is found, the commission shall so notify the complainant and the alleged violator in writing. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

In a case where probable cause is found, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred.

(5) When there are disputed issues of material fact in a proceeding conducted under ss. 120.569 and 120.57, a person alleged by the Elections Commission to have committed a violation of *this chapter or chapter 104* ~~the Florida Election Code~~ may elect, within 30 days after the date of the filing of the commission's allegations, to have a hearing conducted by an administrative law judge in the Division of Administrative Hearings.

(6) It is the duty of a state attorney receiving a complaint referred by the commission to investigate the complaint promptly and thoroughly; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of such investigation, the action taken, and the disposition thereof. The failure or refusal of a state attorney to prosecute or to initiate action upon a complaint or a referral by the commission shall not bar further action by the commission under this chapter.

(7) Every sworn complaint filed pursuant to this chapter with the commission, every investigation and investigative report or other paper of the commission with respect to a violation of this chapter *or chapter*

104, and every proceeding of the commission with respect to a violation of this chapter *or chapter 104* is confidential, is exempt from the provisions of ss. 119.07(1) and 286.011, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation, except under the following circumstances:

(a) As provided in subsection (6);

(b) Upon a determination of probable cause or no probable cause by the commission; or

(c) For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter *or chapter 104*, the commission may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 35. Subsection (11) of section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(11) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter *or chapter 104* has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

Section 36. Subsections (1) and (2) of section 106.265, Florida Statutes, are amended to read:

106.265 Civil penalties.—

(1) The commission is authorized upon the finding of a violation of this chapter *or chapter 104* to impose civil penalties in the form of fines not to exceed $1,000 per count. In determining the amount of such civil penalties, the commission shall consider, among other mitigating and aggravating circumstances:

(a) The gravity of the act or omission;

(b) Any previous history of similar acts or omissions;

(c) The appropriateness of such penalty to the financial resources of the person, political committee, committee of continuous existence, or political party; and

(d) Whether the person, political committee, committee of continuous existence, or political party has shown good faith in attempting to comply with the provisions of this chapter *or chapter 104*.

(2) If any person, political committee, committee of continuous existence, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the *Department of Revenue* ~~State Comptroller~~ shall be responsible for collecting the civil penalties resulting from such action.

Section 37. Subsections (1) and (3) of section 106.27, Florida Statutes, are amended to read:

106.27 Determinations by commission; legal disposition.—

(1) Criminal proceedings for violations of this chapter *or chapter 104* may be brought in the appropriate court of competent jurisdiction. Any such action brought under this chapter *or chapter 104* shall be advanced on the docket of the court in which filed and put ahead of all other actions.

(3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter *or chapter 104*. Such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which is located the officer before whom the candidate qualified for office.

Section 38. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.—

(1) The property appraiser shall examine each claim for exemption filed with or referred to him or her and shall allow the same, if found to be in accordance with law, by marking the same approved and by making the proper deductions on the tax books.

(2) The property appraiser shall examine each referral, of a person registering to vote at an address different from the one where the person has filed for a homestead exemption, which has been provided by a supervisor of elections pursuant to s. 98.015. The property appraiser shall initiate procedures to terminate a person's homestead exemption and assess back taxes, if appropriate, if the person claiming such exemption is not entitled to the exemption under law.

Section 39. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1998.

And the title is amended as follows:

On page ,
remove entire the title of the bill:

and insert in lieu thereof: An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 98.015, F.S.; requiring supervisors of elections to notify property appraisers of voters who are registered at an address other than the voters homestead address; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.052, F.S.; modifying uniform statewide voter registration application; amending s. 97.053, F.S.; amending the standards for accepting the uniform statewide voter registration application; creating s. 97.056, F.S.; providing that persons who register to vote by mail must vote in person at first elector after registration; providing exceptions; amending s. 97.071, F.S.; providing that voter registration cards be mailed to voter registration address; providing exceptions; amending s. 98.0975, F.S.; providing periodic list maintenance to the central voter file; amending s. 98.461, F.S.; providing forms of picture identification included on precinct register; amending s. 98.471, F.S.; requiring photo identification to vote at the polls; providing an exception; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.5611, F.S.; requiring a notice of penalties for voting fraud be posted at each polling place; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the voter's certificate; providing

reasons for voting absentee; requiring additional information from th voter and the witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising instructions to absentee electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absentee voters to personally mark their ballot; providing exceptions; amending s. 101.665, F.S.; providing that supervisors of elections and other specified persons may administer oaths; amending s. 101.68, F.S.; relating to canvassing of absentee ballots; revising the requirements for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots are rejected; creating s. 101.685, F.S.; providing for designation of absentee ballot coordinators to witness absentee ballots; amending s. 102.012, F.S.; provides that persons who ar preregistered to vote may serve on election boards; amending s. 104.012, F.S.; increasing the penalty for paying someone to register, interfering with registration, paying someone to solicit registrations on a contingent fee basis, or altering a voter registration; amending s. 104.013, F.S.; increasing the penality to unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.045, F.S.; increasing the penalty for vote selling; creating s. 104.47, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.051, F.S.; increasing the penalty for an election official interfering with voting; amending s. 104.0515, F.S.; increasing the penalty for deprivation of voting rights; amending s. 104.061; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for using a false name in connection with voting; amending s. 104.42, F.S.; authorizing supervisors of elections to investigate fraud in registration and voting; amending s. 117.054, F.S.; providing that a notary may not charge a fee for witnessing an absentee ballot and may not refuse to witness an absentee ballot; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing a time period for filing complaints with the commission; providing for civil penalties; amending s. 196.141, F.S.; requiring property appraiser examine the homestead exemption of persons referred by the supervisor of elections to determine lawfulness and to initiate procedures to terminate the exemption and assess back taxes if appropriate; providing an effective date.

Rep. Morse moved the adoption of the amendment, which was adopted.

Further consideration of **CS for SB 1402** was temporarily postponed under Rule 147.

Motions Relating to Committee References

On motion by Rep. Thrasher, Co-Chair of the Committee on Rules, Resolutions, & Ethics, the rules were suspended and HRs 9451, 9459, and 9467 were placed on the Ceremonial Resolutions Calendar.

On motion by Rep. Wise, agreed to by two-thirds vote, HB 4315 was withdrawn from the Committee on Education/K-12 and remains referred to the Committees on Governmental Operations, Education Appropriations, and Criminal Justice Appropriations.

Suspension of the Rules for Committee Meetings and Bills

On motion by Rep. Littlefield, the rules were suspended and the Committee on Health Care Services was given permission to add CS for SB 1716 to the agenda for its meeting Wednesday, April 15, at 1:30 p.m., in Morris Hall.

On motion by Rep. Wallace, Chair, the rules were suspended and the Committee on Governmental Rules & Regulations was given permission to add HB 4119 to the agenda for its meeting Wednesday, April 15, at 3:45 p.m., in 214 C.

Motions Relating to Committee References

On motion by Rep. Bitner, agreed to by two-thirds vote, HB 4023 was withdrawn from the Committee on Business Regulation & Consumer Affairs and remains referred to the Committee on Law Enforcement & Public Safety.

On motion by Rep. Bitner, agreed to by two-thirds vote, HB 4403 was withdrawn from the Committee on Transportation and remains referred to the Committees on Finance & Taxation and General Government Appropriations.

On motion by Rep. Crist, agreed to by two-thirds vote, HB 4489 was withdrawn from the Committee on Civil Justice & Claims and placed on the appropriate Calendar or Council list.

On motion by Rep. Crist, agreed to by two-thirds vote, HB 4495 was withdrawn from the Committee on Civil Justice & Claims and remains referred to the Committees on Finance & Taxation and General Government Appropriations.

On motion by Rep. Crist, agreed to by two-thirds vote, CS/HB 3693 was withdrawn from the Committee on Crime & Punishment and placed on the appropriate Calendar or Council list.

On motion by Rep. Crist, agreed to by two-thirds vote, HB 3727 was withdrawn from the Committee on Family Law & Children and remains referred to the Committees on Governmental Operations and Health & Human Services Appropriations.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 3857 was withdrawn from the Committee on Community Affairs and placed on the appropriate Calendar or Council list.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 4523 was withdrawn from the Committee on Community Affairs and remains referred to the Committees on Finance & Taxation and Transportation & Economic Development Appropriations.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 4499 was withdrawn from the Committee on Election Reform and remains referred to the Committee on Law Enforcement & Public Safety.

On motion by Rep. Constantine, agreed to by two-thirds vote, CS/HB 3629 was withdrawn from the Committee on Governmental Operations and placed on the appropriate Calendar or Council list.

On motion by Rep. Constantine, agreed to by two-thirds vote, CS/HB 3883 was withdrawn from the Committee on Governmental Operations and remains referred to the Committee on Health & Human Services Appropriations.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 4277 was withdrawn from the Committee on Governmental Operations and remains referred to the Committee on Health & Human Services Appropriations.

On motion by Rep. Constantine, agreed to by two-thirds vote, HB 4541 was withdrawn from the Committee on Governmental Operations and remains referred to the Committee on Finance & Taxation.

On motion by Rep. Constantine, agreed to by two-thirds vote, CS/HB 3973 and HB 3975 were withdrawn from the Committee on Governmental Rules & Regulations. HB 3975 was placed on the appropriate Calendar or Council list. CS/HB 3973 remains referred to the Committees on Finance & Taxation and Health & Human Services Appropriations.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 3571 and HB 3913 were withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 3673; CS/HB 3715; and HBs 3829, 4041, and 4541 were withdrawn from the Committee on Finance & Taxation. HBs 3829, 4041, and 4541 were placed on the appropriate Calendar or Council list. CS/HB 3673 remains referred to the Committee on General Government Appropriations. CS/HB 3715 remains referred to the Committee on Health & Human Services Appropriations.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/CS/HB 3657; HB 3665; CS/HB 4027; and HB 4555 were withdrawn from the

Committee on General Government Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Garcia, agreed to by two-thirds vote, CS/HB 895 was withdrawn from the Committee on Health & Human Services Appropriations and placed on the appropriate Calendar or Council list.

On motion by Rep. Warner, agreed to by two-thirds vote, HM 4139 was withdrawn from the Committee on Rules, Resolutions, & Ethics and placed on the appropriate Calendar or Council list.

Daily Folder

Economic Impact Council Calendar

Bills and Joint Resolutions on Third Reading

CS/HB 4065—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; providing definitions; amending s. 473.303, F.S.; revising provisions relating to membership on probable cause panels of the Board of Accountancy; amending s. 473.306, F.S.; providing conditions under which the board may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership, corporation, or limited liability company to practice public accountancy in this state; amending s. 473.3101, F.S.; providing requirements for the licensure of sole proprietors and other legal entities; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 473.313, F.S.; providing continuing education requirements for the reactivation of certain licenses; amending s. 473.315, F.S.; providing an exemption for attorneys; amending ss. 473.319, 473.3205, F.S.; revising provisions relating to contingency fees, commissions, and referral fees; amending s. 473.322, F.S.; providing certain requirements for persons offering certain public accounting services; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Cosgrove	Healey	Ogles
Albright	Crady	Heyman	Peaden
Alexander	Crist	Hill	Posey
Andrews	Crow	Horan	Prewitt, D.
Argenziano	Culp	Jacobs	Pruitt, K.
Arnall	Dawson-White	Jones	Putnam
Arnold	Dennis	Kelly	Rayson
Ball	Diaz de la Portilla	King	Reddick
Barreiro	Dockery	Kosmas	Ritchie
Betancourt	Edwards	Lacasa	Ritter
Bitner	Effman	Lawson	Roberts-Burke
Bloom	Eggelletion	Lippman	Rodriguez-Chomat
Boyd	Fasano	Littlefield	Rojas
Bradley	Feeney	Livingston	Sanderson
Brennan	Fischer	Logan	Saunders
Bronson	Flanagan	Lynn	Sembler
Brooks	Frankel	Mackenzie	Silver
Brown	Fuller	Maygarden	Sindler
Burroughs	Futch	Meek	Smith
Bush	Garcia	Melvin	Spratt
Byrd	Gay	Merchant	Stabins
Carlton	Goode	Miller	Stafford
Casey	Gottlieb	Minton	Starks
Chestnut	Greene	Morroni	Sublette
Clemons	Hafner	Morse	Tamargo
Constantine	Harrington	Murman	Thrasher
Tobin	Valdes	Wasserman Schultz	Wise
Trovillion	Villalobos	Westbrook	Ziebarth
Turnbull	Warner	Wiles	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

So the bill passed and was certified to the Senate.

HB 3589—A bill to be entitled An act relating to certified public accountants; creating s. 473.3065, F.S.; establishing the Certified Public Accountant Education Minority Assistance Program; providing for scholarships to eligible students; providing for the funding of scholarships; requiring Board of Accountancy rules; providing a penalty for certain violations; creating an advisory council to assist in program administration; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—110

Albright	Dawson-White	King	Roberts-Burke
Alexander	Dennis	Kosmas	Rodriguez-Chomat
Argenziano	Diaz de la Portilla	Lacasa	Rojas
Arnall	Dockery	Lawson	Sanderson
Arnold	Edwards	Lippman	Saunders
Bainter	Effman	Littlefield	Silver
Ball	Eggelletion	Livingston	Sindler
Barreiro	Fasano	Logan	Smith
Betancourt	Feeney	Lynn	Spratt
Bitner	Fischer	Mackenzie	Stabins
Bloom	Flanagan	Maygarden	Stafford
Boyd	Frankel	Meek	Starks
Bradley	Fuller	Melvin	Sublette
Brennan	Futch	Merchant	Tamargo
Brooks	Garcia	Miller	Thrasher
Brown	Gay	Morroni	Tobin
Burroughs	Goode	Morse	Trovillion
Bush	Gottlieb	Murman	Turnbull
Byrd	Greene	Ogles	Valdes
Casey	Hafner	Peaden	Villalobos
Chestnut	Harrington	Posey	Warner
Clemons	Healey	Prewitt, D.	Wasserman Schultz
Constantine	Heyman	Pruitt, K.	Westbrook
Cosgrove	Hill	Putnam	Wiles
Crady	Horan	Rayson	Wise
Crist	Jacobs	Reddick	Ziebarth
Crow	Jones	Ritchie	
Culp	Kelly	Ritter	

Nays—1

Andrews

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

So the bill passed and was certified to the Senate.

CS/HB 1377—A bill to be entitled An act relating to motor vehicle emissions and safety inspections; amending s. 325.203, F.S.; providing for biennial emissions inspections; amending ss. 325.209 and 325.210, F.S.; conforming to the act; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Culp	King	Rojas
Albright	Dawson-White	Kosmas	Sanderson
Alexander	Dennis	Lacasa	Saunders
Andrews	Diaz de la Portilla	Lawson	Sembler
Argenziano	Dockery	Lippman	Silver
Arnall	Edwards	Littlefield	Sindler
Arnold	Effman	Livingston	Smith
Bainter	Eggelletion	Logan	Spratt
Ball	Fasano	Lynn	Stabins
Barreiro	Feeney	Mackenzie	Stafford
Betancourt	Fischer	Maygarden	Starks
Bitner	Flanagan	Meek	Sublette
Bloom	Frankel	Melvin	Tamargo
Boyd	Fuller	Merchant	Thrasher
Bradley	Futch	Miller	Tobin
Brennan	Garcia	Morroni	Trovillion
Brooks	Gay	Morse	Turnbull
Brown	Goode	Murman	Valdes
Burroughs	Gottlieb	Ogles	Villalobos
Bush	Greene	Peaden	Wallace
Byrd	Hafner	Posey	Warner
Carlton	Harrington	Prewitt, D.	Wasserman Schultz
Casey	Healey	Pruitt, K.	Westbrook
Chestnut	Heyman	Putnam	Wiles
Clemons	Hill	Rayson	Wise
Cosgrove	Horan	Reddick	Ziebarth
Crady	Jacobs	Ritchie	
Crist	Jones	Ritter	
Crow	Kelly	Rodriguez-Chomat	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:
Yeas—Roberts-Burke
Yeas to Nays—Brennan, Fischer

So the bill passed, as amended, and was certified to the Senate.

HB 4355—A bill to be entitled An act relating to tourism; amending s. 288.1221, F.S.; revising legislative intent; amending s. 288.1222, F.S.; clarifying a definition; amending s. 288.1223, F.S.; specifying application of a limitation on terms of certain members of the Florida Commission on Tourism; clarifying meeting and vice chair election provisions; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Bloom	Chestnut	Edwards
Albright	Boyd	Clemons	Effman
Alexander	Bradley	Constantine	Eggelletion
Andrews	Brennan	Cosgrove	Fasano
Argenziano	Bronson	Crady	Feeney
Arnall	Brooks	Crist	Fischer
Arnold	Brown	Crow	Flanagan
Bainter	Burroughs	Culp	Frankel
Ball	Bush	Dawson-White	Fuller
Barreiro	Byrd	Dennis	Futch
Betancourt	Carlton	Diaz de la Portilla	Garcia
Bitner	Casey	Dockery	Gay
Goode	Livingston	Putnam	Sublette
Gottlieb	Logan	Rayson	Tamargo
Greene	Lynn	Reddick	Thrasher
Hafner	Mackenzie	Ritchie	Tobin
Harrington	Maygarden	Ritter	Trovillion
Healey	Meek	Roberts-Burke	Turnbull
Heyman	Melvin	Rodriguez-Chomat	Valdes
Hill	Merchant	Rojas	Villalobos
Horan	Miller	Sanderson	Wallace
Jacobs	Minton	Saunders	Warner
Jones	Morroni	Sembler	Wasserman Schultz
Kelly	Morse	Silver	Westbrook
King	Murman	Sindler	Wiles
Kosmas	Ogles	Smith	Wise
Lacasa	Peaden	Spratt	Ziebarth
Lawson	Posey	Stabins	
Lippman	Prewitt, D.	Stafford	
Littlefield	Pruitt, K.	Starks	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

So the bill passed and was certified to the Senate.

On motion by Rep. Ogles, **HB 4431** was temporarily postponed under Rule 147 and the third reading nullified.

SB 142—A bill to be entitled An act relating to veterans' preference in employment; transferring and renumbering s. 295.15, F.S., relating to legislative intent; amending s. 295.07, F.S.; clarifying provisions; providing for rules; amending s. 295.08, F.S.; revising provisions with respect to positions for which a numerically based selection process is used; removing a monetary limitation with respect to certain classes of positions; amending s. 295.085, F.S.; revising provisions with respect to positions for which a numerically based selection process is not used; providing for preference for certain veterans with service-connected disabilities; deleting provisions for rules; amending s. 295.101, F.S.; revising provisions with respect to the expiration of employment preference; amending s. 295.11, F.S.; revising provisions with respect to investigative findings; providing for the dismissal of a complaint; deleting reference to the Department of Management Services and providing reference to the Department of Veterans Affairs; amending s. 295.14, F.S.; revising provisions with respect to penalties; repealing s. 295.151, F.S., relating to the application of ch. 78-372, Laws of Florida, with respect to point preference to certain persons in applying for employment; creating s. 295.155, F.S.; providing that military retirement on the basis of longevity does not disqualify a person from veterans' employment preference; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Boyd	Constantine	Fasano
Albright	Bradley	Cosgrove	Feeney
Alexander	Brennan	Crady	Fischer
Andrews	Bronson	Crist	Flanagan
Argenziano	Brooks	Crow	Frankel
Arnall	Brown	Culp	Fuller
Arnold	Burroughs	Dawson-White	Futch
Bainter	Bush	Dennis	Garcia
Ball	Byrd	Diaz de la Portilla	Gay
Barreiro	Carlton	Dockery	Goode
Betancourt	Casey	Edwards	Gottlieb
Bitner	Chestnut	Effman	Greene
Bloom	Clemons	Eggelletion	Hafner

Harrington	Mackenzie	Reddick	Tamargo
Healey	Maygarden	Ritchie	Thrasher
Heyman	Meek	Ritter	Tobin
Hill	Melvin	Roberts-Burke	Trovillion
Horan	Merchant	Rodriguez-Chomat	Turnbull
Jacobs	Miller	Rojas	Valdes
Jones	Minton	Sanderson	Villalobos
Kelly	Morroni	Saunders	Wallace
King	Morse	Sembler	Warner
Kosmas	Murman	Silver	Wasserman Schultz
Lacasa	Ogles	Sindler	Westbrook
Lawson	Peaden	Smith	Wiles
Lippman	Posey	Spratt	Wise
Littlefield	Prewitt, D.	Stabins	Ziebarth
Livingston	Pruitt, K.	Stafford	
Logan	Putnam	Starks	
Lynn	Rayson	Sublette	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

So the bill passed and was certified to the Senate.

HB 4529—A bill to be entitled An act relating to athlete agents; repealing pt. IX, ch. 468, F.S., relating to athlete agents, to deregulate athlete agents; amending ss. 20.165, 20.43, 232.435, 408.07, 443.101, 455.501, 455.607, 455.667, 489.109, and 489.519, F.S.; correcting references and cross references, to conform; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Crist	Kelly	Ritter
Albright	Crow	King	Roberts-Burke
Alexander	Culp	Kosmas	Rodriguez-Chomat
Andrews	Dawson-White	Lacasa	Rojas
Argenziano	Dennis	Lawson	Sanderson
Arnall	Diaz de la Portilla	Lippman	Saunders
Arnold	Dockery	Littlefield	Sembler
Bainter	Edwards	Livingston	Silver
Ball	Effman	Logan	Sindler
Barreiro	Eggelletion	Lynn	Smith
Betancourt	Fasano	Mackenzie	Spratt
Bitner	Feeney	Maygarden	Stabins
Bloom	Fischer	Meek	Stafford
Boyd	Flanagan	Melvin	Starks
Bradley	Frankel	Merchant	Sublette
Brennan	Fuller	Miller	Tamargo
Bronson	Futch	Minton	Thrasher
Brooks	Gay	Morroni	Tobin
Brown	Goode	Morse	Trovillion
Burroughs	Gottlieb	Murman	Turnbull
Bush	Greene	Ogles	Valdes
Byrd	Hafner	Peaden	Villalobos
Carlton	Harrington	Posey	Wallace
Casey	Healey	Prewitt, D.	Wasserman Schultz
Chestnut	Heyman	Pruitt, K.	Westbrook
Clemons	Hill	Putnam	Wiles
Constantine	Horan	Rayson	Wise
Cosgrove	Jacobs	Reddick	Ziebarth
Crady	Jones	Ritchie	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

So the bill passed and was certified to the Senate.

CS/HB 3713—A bill to be entitled An act relating to firearms-related licenses; amending ss. 493.6111, 493.6113, F.S.; extending the licensure period for certain licenses; amending s. 790.06, F.S.; extending the licensure period for concealed weapons licenses; requiring persons who conduct or instruct certain gun safety and licensure courses to maintain records; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—100

The Chair	Clemons	Jones	Roberts-Burke
Albright	Constantine	Kelly	Rodriguez-Chomat
Alexander	Cosgrove	King	Rojas
Andrews	Crady	Lacasa	Saunders
Argenziano	Crist	Lawson	Sembler
Arnall	Crow	Littlefield	Sindler
Arnold	Culp	Livingston	Smith
Bainter	Dennis	Logan	Spratt
Ball	Diaz de la Portilla	Lynn	Stabins
Barreiro	Dockery	Mackenzie	Stafford
Betancourt	Edwards	Maygarden	Starks
Bitner	Fasano	Meek	Sublette
Bloom	Feeney	Melvin	Tamargo
Boyd	Fischer	Merchant	Thrasher
Bradley	Flanagan	Minton	Tobin
Brennan	Fuller	Morroni	Trovillion
Bronson	Futch	Morse	Turnbull
Brooks	Garcia	Murman	Valdes
Brown	Gay	Peaden	Villalobos
Burroughs	Goode	Posey	Wallace
Bush	Greene	Pruitt, K.	Warner
Byrd	Hafner	Putnam	Westbrook
Carlton	Harrington	Rayson	Wiles
Casey	Healey	Reddick	Wise
Chestnut	Horan	Ritchie	Ziebarth

Nays—14

Dawson-White	Gottlieb	Kosmas	Silver
Effman	Heyman	Miller	Wasserman Schultz
Eggelletion	Hill	Prewitt, D.	
Frankel	Jacobs	Ritter	

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:
Yeas to Nays—Brown, Bush, Roberts-Burke

So the bill passed and was certified to the Senate.

HB 3785—A bill to be entitled An act relating to consumer protection; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the Department of Agriculture and Consumer Services; amending s. 496.403, F.S.; exempting persons or organizations who solicit on their behalf from ss. 496.401-496.424, F.S.; amending s. 496.404, F.S.; clarifying a definition; amending s. 496.405, F.S.; revising a registration fee schedule for charitable organizations; amending s. 496.406, F.S.; deleting certain registration requirements for certain charitable organizations; amending s. 501.143, F.S.; deleting

a specific annual registration date for certain dance studios; amending s. 501.2101, F.S.; authorizing the deposit of moneys received by an enforcing authority for attorney's fees and costs of investigation or litigation to be deposited in the Legal Affairs Revolving Trust Fund; amending s. 501.607, F.S.; clarifying certain procedures for licensing salespersons; amending s. 559.805, F.S.; requiring business opportunity sellers to disclose certain information; amending s. 559.904, F.S.; clarifying registration requirements for motor vehicle repair shop operators; providing a late fee; amending s. 817.415, F.S.; revising requirements for free advertising; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Crist	Jones	Roberts-Burke
Albright	Crow	Kelly	Rodriguez-Chomat
Alexander	Culp	King	Rojas
Andrews	Dawson-White	Kosmas	Saunders
Argenziano	Dennis	Lacasa	Sembler
Arnall	Diaz de la Portilla	Lawson	Silver
Arnold	Dockery	Littlefield	Sindler
Bainter	Edwards	Livingston	Smith
Ball	Effman	Logan	Spratt
Barreiro	Eggelletion	Lynn	Stabins
Betancourt	Fasano	Mackenzie	Stafford
Bitner	Feeney	Maygarden	Starks
Bloom	Fischer	Meek	Sublette
Boyd	Flanagan	Melvin	Tamargo
Bradley	Frankel	Merchant	Thrasher
Brennan	Fuller	Miller	Tobin
Bronson	Futch	Minton	Trovillion
Brooks	Garcia	Morroni	Turnbull
Brown	Gay	Morse	Valdes
Burroughs	Goode	Murman	Villalobos
Bush	Gottlieb	Ogles	Wallace
Byrd	Greene	Peaden	Warner
Carlton	Hafner	Posey	Wasserman Schultz
Casey	Harrington	Prewitt, D.	Westbrook
Chestnut	Healey	Putnam	Wiles
Clemons	Heyman	Rayson	Wise
Constantine	Hill	Reddick	Ziebarth
Cosgrove	Horan	Ritchie	
Crady	Jacobs	Ritter	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

So the bill passed, as amended, and was certified to the Senate.

HB 4501—A bill to be entitled An act relating to conversion of credit unions; prohibiting the Department of Banking and Finance from approving the conversion of federally-chartered credit unions to state-chartered credit unions except under certain circumstances; providing criteria; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Arnold	Bloom	Brown
Albright	Bainter	Boyd	Burroughs
Alexander	Ball	Bradley	Bush
Andrews	Barreiro	Brennan	Byrd
Argenziano	Betancourt	Bronson	Carlton
Arnall	Bitner	Brooks	Casey
Chestnut	Gay	Meek	Silver
Clemons	Goode	Melvin	Sindler
Constantine	Gottlieb	Merchant	Smith
Cosgrove	Greene	Miller	Spratt
Crady	Hafner	Minton	Stabins
Crist	Harrington	Morroni	Stafford
Crow	Healey	Morse	Starks
Culp	Heyman	Murman	Sublette
Dawson-White	Hill	Ogles	Tamargo
Dennis	Horan	Peaden	Thrasher
Diaz de la Portilla	Jacobs	Posey	Tobin
Dockery	Jones	Prewitt, D.	Trovillion
Edwards	Kelly	Pruitt, K.	Turnbull
Effman	King	Putnam	Valdes
Eggelletion	Lacasa	Rayson	Villalobos
Fasano	Lawson	Reddick	Wallace
Feeney	Lippman	Ritchie	Warner
Fischer	Littlefield	Ritter	Wasserman Schultz
Flanagan	Livingston	Roberts-Burke	Westbrook
Frankel	Logan	Rodriguez-Chomat	Wiles
Fuller	Lynn	Rojas	Wise
Futch	Mackenzie	Saunders	Ziebarth
Garcia	Maygarden	Sembler	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:
Yeas—Kosmas

So the bill passed and was certified to the Senate.

Conference Committee Appointments

The Speaker appointed the following Members as managers on the part of the House on CS/SB 874 (tort reform): Rep. Warner (Chair), Reps. Clemons, Thrasher, Byrd, Bitner, Bradley, and Lippman (alternate). Upon return from his excused absence, Rep. Safley will replace Rep. Bitner.

Governmental Responsibility Council Calendar

Bills and Joint Resolutions on Third Reading

Consideration of **CS/HBs 3743 & 3941** was temporarily postponed under Rule 147.

CS/HB 3427—A bill to be entitled An act relating to funding for beach management; amending s. 161.088, F.S.; providing a legislative declaration that beach restoration and renourishment projects are in the public interest and shall be funded in a specified manner; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to implement regional components of the beach management plan, to enter into agreements to cost-share and coordinate such activity, and to sponsor or cosponsor beach management demonstration projects; providing criteria to be considered in determining annual funding priorities for beach management projects; providing for reductions in local sponsors' cost shares; amending s. 161.161, F.S.; providing for regional components of the statewide beach management plan; providing for submission of funding recommendations to the Legislature; deleting obsolete provisions; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues

to the trust fund for purposes of beach preservation and repair; providing an appropriation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Crist	Kelly	Ritter
Albright	Crow	King	Roberts-Burke
Alexander	Culp	Kosmas	Rodriguez-Chomat
Andrews	Dawson-White	Lacasa	Rojas
Argenziano	Dennis	Lawson	Saunders
Arnall	Dockery	Lippman	Sembler
Arnold	Edwards	Littlefield	Silver
Bainter	Effman	Livingston	Sindler
Ball	Eggelletion	Logan	Smith
Barreiro	Fasano	Lynn	Spratt
Betancourt	Feeney	Mackenzie	Stafford
Bitner	Fischer	Maygarden	Starks
Bloom	Flanagan	Meek	Sublette
Boyd	Frankel	Melvin	Tamargo
Bradley	Fuller	Merchant	Thrasher
Brennan	Futch	Miller	Tobin
Bronson	Garcia	Minton	Trovillion
Brooks	Gay	Morroni	Turnbull
Brown	Goode	Morse	Valdes
Burroughs	Gottlieb	Murman	Villalobos
Bush	Greene	Ogles	Wallace
Byrd	Hafner	Peaden	Warner
Carlton	Harrington	Posey	Wasserman Schultz
Casey	Healey	Prewitt, D.	Westbrook
Chestnut	Heyman	Pruitt, K.	Wiles
Clemons	Hill	Putnam	Wise
Constantine	Horan	Rayson	Ziebarth
Cosgrove	Jacobs	Reddick	
Crady	Jones	Ritchie	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:
Yeas—Stabins

So the bill passed, as amended, and was certified to the Senate.

CS/HB 3701—A bill to be entitled An act relating to pollution control; creating s. 403.7211, F.S.; restricting authority of the Department of Environmental Protection to issue permits for construction, modification, and initial operation of facilities for disposal, storage, or treatment of hazardous wastes generated off-site; restricting the locations of hazardous waste transfer facilities; providing application to pending permits and proposed transfer stations; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Barreiro	Brown	Crady
Albright	Betancourt	Burroughs	Crist
Alexander	Bitner	Byrd	Crow
Andrews	Bloom	Carlton	Culp
Argenziano	Boyd	Casey	Dawson-White
Arnall	Bradley	Chestnut	Dennis
Arnold	Brennan	Clemons	Diaz de la Portilla
Bainter	Bronson	Constantine	Dockery
Ball	Brooks	Cosgrove	Edwards
Effman	Jones	Ogles	Stafford
Eggelletion	Kelly	Peaden	Starks
Fasano	King	Posey	Sublette
Feeney	Kosmas	Prewitt, D.	Tamargo
Fischer	Lacasa	Pruitt, K.	Thrasher
Flanagan	Lawson	Putnam	Tobin
Frankel	Lippman	Rayson	Trovillion
Fuller	Littlefield	Reddick	Turnbull
Futch	Livingston	Ritchie	Valdes
Garcia	Logan	Ritter	Villalobos
Gay	Lynn	Roberts-Burke	Wallace
Goode	Mackenzie	Rodriguez-Chomat	Warner
Gottlieb	Maygarden	Rojas	Wasserman Schultz
Greene	Melvin	Saunders	Westbrook
Hafner	Merchant	Sembler	Wiles
Harrington	Miller	Silver	Wise
Healey	Minton	Sindler	Ziebarth
Heyman	Morroni	Smith	
Hill	Morse	Spratt	
Jacobs	Murman	Stabins	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:
Yeas—Meek

So the bill passed, as amended, and was certified to the Senate.

CS/HB 1667—A bill to be entitled An act relating to trust funds; creating the Lake Belt Mitigation Trust Fund within the South Florida Water Management District; providing for sources of moneys and purposes; providing an exemption from termination; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—112

The Chair	Constantine	Healey	Peaden
Albright	Cosgrove	Heyman	Posey
Alexander	Crady	Hill	Prewitt, D.
Andrews	Crist	Horan	Pruitt, K.
Argenziano	Crow	Jones	Putnam
Arnall	Culp	Kelly	Rayson
Arnold	Dawson-White	King	Reddick
Bainter	Dennis	Kosmas	Ritchie
Ball	Diaz de la Portilla	Lacasa	Ritter
Barreiro	Dockery	Lawson	Roberts-Burke
Betancourt	Edwards	Lippman	Rodriguez-Chomat
Bitner	Effman	Littlefield	Rojas
Bloom	Eggelletion	Livingston	Saunders
Boyd	Fasano	Logan	Sembler
Bradley	Feeney	Lynn	Sindler
Brennan	Fischer	Mackenzie	Smith
Bronson	Flanagan	Maygarden	Spratt
Brooks	Fuller	Meek	Stabins
Brown	Futch	Melvin	Stafford
Burroughs	Garcia	Merchant	Starks
Bush	Gay	Miller	Sublette
Byrd	Goode	Minton	Tamargo
Carlton	Gottlieb	Morroni	Thrasher
Casey	Greene	Morse	Tobin
Chestnut	Hafner	Murman	Trovillion
Clemons	Harrington	Ogles	Turnbull

Valdes	Warner	Westbrook	Wise
Villalobos	Wasserman Schultz	Wiles	Ziebarth

Nays—3

Frankel	Jacobs	Silver

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

So the bill passed, as amended, and was certified to the Senate.

CS/CS/HB 3421—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term "water control district" and revising the definition of the term "water control plan"; amending s. 298.11, F.S.; providing for landowner vote for fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer's annual report; amending s. 298.301, F.S.; providing authority for modification of district boundaries; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross reference; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; repealing s. 298.337, F.S., relating to levies of assessments on land less than 1 acre; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Cosgrove	Heyman	Posey
Albright	Crady	Hill	Prewitt, D.
Alexander	Crist	Horan	Pruitt, K.
Andrews	Crow	Jacobs	Putnam
Argenziano	Culp	Jones	Rayson
Arnall	Dawson-White	Kelly	Reddick
Arnold	Dennis	King	Ritchie
Bainter	Diaz de la Portilla	Kosmas	Ritter
Ball	Dockery	Lacasa	Roberts-Burke
Barreiro	Edwards	Lawson	Rodriguez-Chomat
Betancourt	Effman	Lippman	Rojas
Bitner	Eggelletion	Littlefield	Saunders
Bloom	Fasano	Livingston	Sembler
Boyd	Feeney	Logan	Silver
Bradley	Fischer	Lynn	Sindler
Brennan	Flanagan	Mackenzie	Smith
Bronson	Frankel	Maygarden	Spratt
Brooks	Fuller	Meek	Stabins
Brown	Futch	Melvin	Stafford
Burroughs	Garcia	Merchant	Starks
Bush	Gay	Miller	Sublette
Byrd	Goode	Minton	Tamargo
Carlton	Gottlieb	Morroni	Thrasher
Casey	Greene	Morse	Tobin
Chestnut	Hafner	Murman	Trovillion
Clemons	Harrington	Ogles	Turnbull
Constantine	Healey	Peaden	Valdes
Villalobos	Wasserman Schultz	Wiles	Ziebarth
Wallace	Westbrook	Wise	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

So the bill passed, as amended, and was certified to the Senate.

CS/HB 3059—A bill to be entitled An act relating to designations for Florida lands; creating s. 253.0015, F.S.; requiring prior approval by the Governor and Cabinet for certain designations of state-owned lands or lands contiguous thereto; requiring notification by the Governor and Cabinet to affected counties; providing a procedure for affected counties to oppose certain activities; providing application; providing an effective date.

—was read the third time by title.

On motion by Rep. Sembler, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Sembler offered the following:

Amendment 3—On page 4, between lines 3 and 4 of the bill

insert:

Section 2. For the Everglades Watershed nomination packet submitted to the Executive Office of the President, on December 8, 1997, identified as OMB Control No. 0596-0143, the provisions of ss. 253.0015(2) and (3) shall not apply. All other provisions of this bill shall apply.

Rep. Sembler moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 3059. The vote was:

Yeas—76

The Chair	Crady	King	Rojas
Alexander	Crist	Kosmas	Saunders
Andrews	Crow	Lacasa	Sembler
Argenziano	Culp	Lippman	Sindler
Arnall	Diaz de la Portilla	Littlefield	Smith
Bainter	Dockery	Livingston	Spratt
Ball	Eggelletion	Lynn	Stabins
Barreiro	Fasano	Maygarden	Starks
Betancourt	Feeney	Melvin	Sublette
Bitner	Flanagan	Merchant	Tamargo
Boyd	Fuller	Minton	Thrasher
Bronson	Futch	Morroni	Trovillion
Brooks	Garcia	Morse	Valdes
Burroughs	Gay	Murman	Villalobos
Byrd	Goode	Peaden	Wallace
Carlton	Harrington	Posey	Warner
Casey	Heyman	Pruitt, K.	Westbrook
Clemons	Jones	Putnam	Wise
Constantine	Kelly	Rodriguez-Chomat	Ziebarth

Nays—38

Arnold	Cosgrove	Gottlieb	Lawson
Bloom	Dawson-White	Greene	Logan
Bradley	Dennis	Hafner	Mackenzie
Brennan	Edwards	Healey	Meek
Brown	Effman	Hill	Miller
Bush	Fischer	Horan	Prewitt, D.
Chestnut	Frankel	Jacobs	Rayson

Reddick	Roberts-Burke	Tobin	Wasserman Schultz
Ritchie	Silver	Turnbull	Wiles
Ritter	Stafford		

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:
Nays—Ogles
Yeas to Nays—Clemons

So the bill passed, as amended, and was certified to the Senate after engrossment.

Bills and Joint Resolutions on Second Reading

On motion by Rep. King, **CS/HB 4351** was temporarily postponed under Rule 147.

HB 1719—A bill to be entitled An act relating to professions, occupations, and businesses; prohibiting specified state agencies from penalizing a person for violating specified regulations of which he had no knowledge; prohibiting such agencies from enforcing regulations applicable to the collection of taxes or to professions, occupations, or businesses when specified conditions are met; providing a defense for enforcement actions in specified circumstances; providing an effective date.

—was taken up, having been read the second time on April 1; now pending on motion by Rep. Feeney to adopt Amendment 4 (shown in the *Journal* on page 400, April 1).

The question recurred on the adoption of **Amendment 4**, which was withdrawn.

Representative(s) Feeney offered the following:

Amendment 5 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *(1) A state agency that collects taxes or regulates the activities of any profession, occupation, or business and that has knowledge that a person has violated one of the rules applicable to the payment of those taxes or applicable to the profession, occupation, or business may not institute a criminal, civil, or administrative proceeding against the person to impose a penalty for the violation or to compel compliance with the rule until it informs the person of the requirements of the rule and gives the person a reasonable time to comply. However, this prohibition does not apply if the violation constitutes a felony under state law or if the violator had prior actual knowledge of the requirements of the rule or if it would affect an agency's ability to obtain or retain a federally delegated or approved environmental program. This prohibition does not apply if the violator had prior actual knowledge of the requirements of the rule or if the agency determines the violation constitutes an imminent detriment to the public health, safety, and welfare.*

(2) In any criminal, civil, or administrative proceeding to impose a penalty for a violation of, or to compel compliance with, the rule, it is a defense that the state agency has a demonstrated pattern of failure to enforce the rule with respect to substantially the same violation committed by others.

Section 2. *A state agency that collects taxes or regulates the activities of any profession, occupation, or business and that has actual knowledge that a person has violated one of the rules applicable to the payment of those taxes or applicable to the profession, occupation, or business or, with the exercise of due diligence, should have known of the violation, is estopped from enforcing the rule against the person if the state agency had actual or imputed knowledge of the violation for a period of more than 1 year and did not give the violator notice of the requirements of the rule within that time.*

Section 3. *This act does not apply to taxes, penalties, fees, surcharges, or interest imposed by statute.*

Section 4. *This act does not apply to rules directly related to the practice of a profession, occupation, or business subject to licensure by the state.*

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:
remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to professions, occupations, and businesses; prohibiting specified state agencies from penalizing a person for violating specified rules of which he had no knowledge; prohibiting such agencies from enforcing rules applicable to the collection of taxes or to professions, occupations, or businesses when specified conditions are met; providing exceptions; providing a defense for enforcement actions in specified circumstances; providing exceptions; providing an effective date.

Rep. Feeney moved the adoption of the amendment, which was adopted.

Under Rule 127, the bill was referred to the Engrossing Clerk.

On motion by Rep. Morse, the rules were suspended and the House moved to the order of—

Messages from the Senate

CS for SB 1402—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license or Florida identification number be included in the uniform statewide voter registration application; amending s. 196.111, F.S.; providing for notice of termination of homestead exemption; creating s. 196.115, F.S.; providing for termination of homestead exemption and subsequent disqualification upon registration as an elector in another precinct; amending s. 196.121, F.S.; requiring homestead exemption forms to include notice of the requirements for factual determination of permanent residency by the property appraiser and notice of the requirements relating to voter registration and the potential loss of homestead exemption; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information of a witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to

canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.061, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing a time period for filing complaints with the commission; providing for civil penalties; amending s. 106.265, F.S.; requiring the Department of Revenue to collect civil fines levied by the Florida Elections Commission; providing an appropriation; providing effective dates.

—was taken up, having been read the first and second times, and amended, earlier today.

Reconsideration

On motion by Rep. Feeney, the House reconsidered the vote by which **Amendment 1** was adopted. The question recurred on the adoption of the amendment.

Representative(s) Feeney offered the following:

Amendment 1 to Amendment 1—On page 12, line 9, after the word *ordinance*

Insert: *, to be approved by referendum,*

Rep. Feeney moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Morse, the rules were suspended and CS for SB 1402, as amended, was read the third time by title. On passage, the vote was:

Yeas—76

The Chair	Casey	Jacobs	Rayson
Albright	Constantine	Jones	Roberts-Burke
Alexander	Cosgrove	Kelly	Rodriguez-Chomat
Andrews	Crist	King	Rojas
Argenziano	Crow	Lacasa	Saunders
Arnall	Culp	Littlefield	Sembler
Bainter	Effman	Livingston	Sindler
Ball	Fasano	Meek	Stabins
Barreiro	Feeney	Melvin	Starks
Betancourt	Fischer	Merchant	Sublette
Bitner	Flanagan	Minton	Tamargo
Bloom	Fuller	Morroni	Thrasher
Bradley	Futch	Morse	Trovillion
Bronson	Garcia	Murman	Valdes
Brooks	Gay	Ogles	Villalobos
Burroughs	Goode	Peaden	Wallace
Bush	Hafner	Posey	Warner
Byrd	Harrington	Pruitt, K.	Wise
Carlton	Heyman	Putnam	Ziebarth

Nays—36

Arnold	Edwards	Lippman	Silver
Boyd	Eggelletion	Lynn	Smith
Brennan	Frankel	Mackenzie	Spratt
Brown	Gottlieb	Maygarden	Stafford
Clemons	Greene	Miller	Tobin
Dawson-White	Healey	Prewitt, D.	Turnbull
Dennis	Hill	Reddick	Wasserman Schultz
Diaz de la Portilla	Horan	Ritchie	Westbrook
Dockery	Kosmas	Ritter	Wiles

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:
Yeas—Logan
Nays—Chestnut

So the bill passed, as amended, and was certified to the Senate.

Justice Council Calendar

Bills and Joint Resolutions on Third Reading

On motion by Rep. Brooks, **CS/HB 769** was temporarily postponed under Rule 147.

Bills and Joint Resolutions on Second Reading

On motion by Rep. Villalobos, **CS/HB 3327** was temporarily postponed under Rule 147 and the second reading nullified.

HB 4059—A bill to be entitled An act relating to the offenses of fleeing or attempting to elude a law enforcement officer; amending s. 316.1935, F.S.; revising the elements or penalties for such offenses; providing that it is a third-degree felony for the operator of a vehicle to fail to stop the vehicle when so directed by a law enforcement officer or to attempt to elude such officer; providing penalties, including enhanced penalties for habitual offenders or career criminals; providing that it is a second-degree felony for a person to drive at high speed, or in any manner demonstrating a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer in a marked patrol vehicle with agency insignia displayed and with sirens and lights activated; providing penalties; providing that the offense of aggravated fleeing or eluding a law enforcement officer is a second-degree felony; providing penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; providing for or revising the ranking of such offenses to conform to changes made by the act; providing an effective date.

—was read the second time by title.

Representative(s) Futch offered the following:

Amendment 1 (with title amendment)—
remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 316.1935, Florida Statutes, is amended to read:

316.1935 Fleeing or attempting to elude a law enforcement officer; aggravated fleeing and eluding.—

(1) It is unlawful for the operator of any vehicle, having knowledge that he or she has been *ordered* ~~directed~~ to stop such vehicle by a duly authorized law enforcement officer, willfully to refuse or fail to stop the vehicle in compliance with such *order* ~~directive~~ or, having stopped in knowing compliance with *such order* ~~the directive~~, willfully to flee in an

attempt to elude the officer, and a person who violates this subsection shall, upon conviction, be punished by imprisonment in the county jail for a period not to exceed 1 year, or by fine not to exceed $1,000, or by both such fine and imprisonment.

(2) Any person who *willfully flees or attempts*~~, in the course of unlawfully fleeing or attempting~~ to elude a law enforcement officer in an authorized law enforcement patrol vehicle with agency insignia and other jurisdictional markings prominently displayed on the vehicle with siren and lights activated ~~pursuant to subsection (1), having knowledge of an order to stop by a duly authorized law enforcement officer, causes the law enforcement officer to engage in a high-speed vehicle pursuit~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle with agency insignia and other jurisdictional markings prominently displayed on the vehicle with siren and lights activated, and during the course of the fleeing or attempted eluding drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)~~(3)~~ Any person who, in the course of unlawfully leaving or attempting to leave the scene of an accident in violation of s. 316.027 or s. 316.061, having knowledge of an order to stop by a duly authorized law enforcement officer:

(a) Willfully refuses or fails to stop in compliance with such an order, or having stopped in knowing compliance with such order, willfully flees in an attempt to elude such officer; and

(b) As a result of such fleeing or eluding, causes injury to another person or causes damage to any property belonging to another person

commits aggravated fleeing or eluding, a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The felony of aggravated fleeing or eluding constitutes a separate offense for which a person may be charged, in addition to the offense of unlawfully leaving the scene of an accident which the person had been in the course of committing or attempting to commit when the order to stop was given.

(5)~~(4)~~ The court may revoke, for a period not to exceed 1 year, the driver's license of any operator of a motor vehicle convicted of a violation of subsection (1), subsection (2), ~~or~~ subsection (3), *or subsection (4)*.

Section 2. Paragraphs (c), (d), and (e) of subsection (3) of section 921.0022, Florida Statutes, as created by section 5 of chapter 97-194, Laws of Florida, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
39.061	3rd	Escapes from juvenile facility (secure detention or residential commitment facility).
316.1935(2)	*3rd*	*Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.*
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c), (3), or (4) drugs within 200 feet of university, public housing facility, or public park.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
		(d) LEVEL 4
316.1935*(3)*~~(2)~~	*2nd* ~~3rd~~	*Driving at high speed or with wanton disregard for safety while* fleeing or attempting to elude law enforcement officer *who is in a marked patrol vehicle with siren and lights activated* ~~resulting in high-speed pursuit~~.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.075	3rd	Battery on detention or commitment facility staff.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.

Florida Statute	Felony Degree	Description
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
		(e) LEVEL 5
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935*(4)*~~(3)~~	*2nd* ~~3rd~~	Aggravated fleeing or eluding.
322.34(3)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163	2nd	False report of deadly explosive.
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs) within 1,000 feet of a school.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 200 feet of university, public housing facility, or public park.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).

Section 3. This act shall take effect October 1, 1998.

And the title is amended as follows:
remove from the bill: entire title

and insert in lieu thereof:

An act relating to violations of traffic law; amending s. 316.1935, F.S.; providing that it is a third-degree felony for a person to willfully flee or attempt to elude a law enforcement officer in a marked patrol vehicle; providing that, it is a second-degree felony for a person to drive at high speed, or in any manner demonstrating a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer in a marked patrol vehicle; providing that the offense of aggravated fleeing or eluding a law enforcement officer is a second-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; revising the ranking of such offenses to conform to changes made by the act; providing an effective date.

Rep. Futch moved the adoption of the amendment, which was adopted.

Under Rule 127, the bill was referred to the Engrossing Clerk.

CS/HB 3527—A bill to be entitled An act relating to jails; amending s. 951.23, F.S., relating to county and municipal detention facilities; providing criminal penalties for repeatedly, knowingly, and willfully refusing to obey certain rules and regulations while a prisoner in any such facility; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

CS/CS/CS/HB 3075—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans," "local law plans," and "supplemental plan municipality"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S, relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; providing an effective date.

—was read the second time by title.

Representative(s) Kosmas offered the following:

Amendment 1—On page 59, line 4, and on page 123, line 7, of the bill

after the period insert: *In addition, local law plans created by ordinance on March 11, 1969, as amended and on October 20, 1976, as amended shall be also deemed to comply with this chapter.*

Rep. Kosmas moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

Representative(s) Gay offered the following:

Amendment 2—On page 32, lines 26-27
remove from the bill: "*Payroll amounts of members included in the Florida Retirement System shall not be included.*"

Rep. Gay moved the adoption of the amendment, which failed of adoption.

Representative(s) Gay offered the following:

Amendment 3—On page 58, line 19 through page 59, line 4
remove from the bill: all of said lines

and insert in lieu thereof: *The premium tax provided by this chapter shall in all cases be used in its entirety to fund pension benefits, including extra benefits, for firefighters, or for firefighters and police officers, where included. For the purposes of this chapter, the term "extra benefits" means benefits in addition to or greater than those required of chapter plans as of January 1, 1997. However, local law plans in effect on October 1, 1998, shall be required to comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 175.162(2)(a). For the purposes of this section, "additional premium tax revenues" means premium tax revenue received by a municipality or special fire control district pursuant to s. 175.121, that exceed that amount received for calendar year 1997, less the amount committed to fund current pension benefits. Local law plans created by special act before May 23, 1939, shall be deemed to comply with this chapter.*

Rep. Gay moved the adoption of the amendment, which failed of adoption.

Representative(s) Gay offered the following:

Amendment 4—On page 122, line 23 through page 123, line 7
remove from the bill: all of said lines

and insert in lieu thereof:

The premium tax provided by this chapter shall in all cases be used in its entirety to fund pension benefits, including extra benefits, for police officers or for police officers and firefighters, where included. For the purposes of this chapter, the term "extra benefits" means benefits in addition to or greater than those required of chapter plans as of January 1, 1997. However, local law plans in effect on October 1, 1998, shall be required to comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 185.16(2). For the purposes of this section, "additional premium tax revenues" means premium tax revenue received by a municipality pursuant to s. 185.10 that exceed that amount received for calendar year 1997, less the amount committed to fund current pension benefits. Local law plans created by special act before May 23, 1939, shall be deemed to comply with this chapter.

Rep. Gay moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Posey, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Posey offered the following:

Amendment 5—On page 59, line 3, and on page 126, line 5, after *1939,*

Insert: *and a local law plan created by ordinance on November 1, 1969 and last amended on October 15, 1997,*

Rep. Posey moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Arnall, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Arnall offered the following:

Amendment 6 (with title amendment)—On page 4, lines 12-18,
remove from the bill: all of said lines,

and insert nothing in lieu thereof:
and on page 73, lines 10-16,
remove from the bill: all of said lines,

and insert in lieu thereof: *officers' retirement trust funds.*

And the title is amended as follows:

On page 1, lines 17-19,
remove from the title of the bill: all of said lines,

and insert in lieu thereof: certain benefits provided are a minimum;

Rep. Arnall moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Smith, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Smith offered the following:

Amendment 7—On page 65, line 11, and on page 133, line 30, after the period

Insert: *A municipality or special fire control district may opt into or out of a pension plan established pursuant to this chapter at its discretion.*

Rep. Smith moved the adoption of the amendment, which failed of adoption.

On motion by Rep. K. Pruitt, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) K. Pruitt offered the following:

Amendment 8 (with title amendment)—On page 140, between lines 23 and 24,

Insert:

Section 83. Section 175.411, Florida Statutes, is created to read:

175.411 Optional participation.—A municipality or special fire control district may revoke its participation under chapter 175 by rescinding the legislative act, ordinance or resolution which assesses and imposes the taxes authorized in s. 175.101, and by furnishing a certified copy of such legislative act, ordinance or resolution to the division. Thereafter, the municipality or special fire control district shall be prohibited from participating under chapter 175, and shall not be eligible for future premium tax moneys. Premium tax moneys previously received shall continue to be used for the sole and exclusive benefit of firefighters, or firefighters and police officers where included, and no amendment, legislative act, ordinance or resolution shall be adopted which shall have the effect of reducing the then vested accrued benefits of the firefighters, retirees, or their beneficiaries. The municipality or special fire control district shall continue to furnish an annual report to the division as provided in s. 175.261. If the municipality or special fire control district subsequently terminates the defined benefit plan, they shall do so in compliance with the provisions of s. 175.361.

Section 84. Section 185.60, Florida Statutes, is created to read:

185.60 Optional participation.—A municipality may revoke its participation under chapter 185 by rescinding the legislative act, or ordinance which assesses and imposes taxes authorized in s. 185.08, and by furnishing a certified copy of such legislative act, or ordinance to the division. Thereafter, the municipality shall be prohibited from participating under chapter 185, and shall not be eligible for future premium tax moneys. Premium tax moneys previously received shall continue to be used for the sole and exclusive benefit of police officers, or police officers and firefighters where included, and no amendment, legislative act, or ordinance shall be adopted which shall have the effect of reducing the then vested accrued benefits of the police officers, retirees, or their beneficiaries. The municipality shall continue to furnish an annual report to the division as provided in s. 185.221. If the municipality subsequently terminates the defined benefit plan they shall do so in compliance with the provisions of s. 185.37.

And the title is amended as follows:

On page 3 line 2, after the semicolon

Insert: creating ss. 175.411 and 185.60, F.S.; providing for optional participation;

Rep. K. Pruitt moved the adoption of the amendment, which was adopted.

Under Rule 127, the bill was referred to the Engrossing Clerk.

CS/CS/HB 679—A bill to be entitled An act relating to weapons and firearms; creating s. 790.233, F.S.; prohibiting a person who has been issued a currently effective final injunction against committing acts of domestic violence from possessing any firearm or ammunition; providing penalties; providing an exception for law enforcement officers; amending s. 741.30, F.S.; requiring that a final injunction for protection against domestic violence indicate that possessing any firearm or ammunition is prohibited; amending s. 741.31, F.S.; providing that it is a first degree misdemeanor to violate a final injunction by possessing a firearm or ammunition; providing an exception for law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant under certain circumstances when there is probable cause to believe that the person has committed a crime in violation of specified provisions prohibiting possession of firearm or ammunition by person restrained by final injunction from committing acts of domestic violence; amending s. 790.06, F.S., relating to issuance by the Department of State of license to carry a concealed weapon or firearm; revising qualifications for such license to include restrictions that the applicant has not had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence within a specified period and is not enjoined from committing acts of domestic violence or repeat violence; requiring denial or revocation of such license under specified circumstances; requiring that the department suspend such license, or the processing of the license application, if the licensee or applicant is issued an injunction against committing acts of domestic violence or acts of repeat violence; amending s. 790.065, F.S.; removing obsolete provisions; requiring that the Department of Law Enforcement determine if a potential buyer or transferee of a firearm has been convicted of a misdemeanor crime of domestic violence or had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

Amendment 1—On page 3, lines 7 through 11, and on page 4, line 29 through page 5, line 2,
remove from the bill: all of said lines

and insert in lieu thereof:
shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

Rep. Lynn moved the adoption of the amendment, which was adopted.

Under Rule 127, the bill was referred to the Engrossing Clerk.

CS/HB 505—A bill to be entitled An act relating to private attorney services; amending s. 287.059, F.S.; providing that private attorney services procured by the Board of Trustees of the Florida School for the Deaf and the Blind are not required to have been approved in writing by the Attorney General; providing for disclosure by private attorneys contracting with the state with respect to clients suing or being sued by a state entity; requiring written waiver of potential conflict of interest to be obtained by the contracting attorney, under specified circumstances; providing that failure to make such disclosure or obtain waiver as required is a breach of the contract precluding entitlement to payment; requiring the Comptroller to refuse such payment, under specified circumstances; providing an effective date.

—was read the second time by title.

The Committee on Rules, Resolutions, & Ethics offered the following:

Technical Amendment 1—On page 3, line 5,
remove from the bill: all of said line

and insert in lieu thereof:

Section 2. This act shall take effect July 1 of the year in which enacted.

Reps. Thrasher and Crady moved the adoption of the amendment, which was adopted.

On motion by Rep. Bainter, the rules were suspended and CS/HB 505, as amended, was read the third time by title. On passage, the vote was:

Yeas—111

The Chair	Crady	Jones	Reddick
Albright	Crist	Kelly	Ritchie
Alexander	Crow	King	Ritter
Andrews	Culp	Kosmas	Roberts-Burke
Argenziano	Dennis	Lacasa	Rodriguez-Chomat
Arnall	Diaz de la Portilla	Lawson	Rojas
Arnold	Dockery	Lippman	Saunders
Bainter	Edwards	Littlefield	Sembler
Ball	Effman	Livingston	Silver
Barreiro	Eggelletion	Logan	Sindler
Betancourt	Fasano	Lynn	Smith
Bitner	Feeney	Mackenzie	Spratt
Bloom	Fischer	Maygarden	Stabins
Boyd	Flanagan	Meek	Stafford
Bradley	Frankel	Melvin	Starks
Brennan	Fuller	Merchant	Sublette
Bronson	Futch	Miller	Tamargo
Brooks	Garcia	Minton	Thrasher
Brown	Gay	Morroni	Tobin
Burroughs	Goode	Morse	Trovillion
Bush	Greene	Murman	Valdes
Byrd	Hafner	Ogles	Villalobos
Carlton	Harrington	Peaden	Wallace
Casey	Healey	Posey	Warner
Chestnut	Heyman	Prewitt, D.	Westbrook
Clemons	Hill	Pruitt, K.	Wise
Constantine	Horan	Putnam	Ziebarth
Cosgrove	Jacobs	Rayson	

Nays—None

Excused from time to time for Conference Committee—Albright, Bainter, Barreiro, Boyd, Bradley, Bronson, Chestnut, Clemons, Constantine, Crady, Culp, Dennis, Eggelletion, Feeney, Flanagan, Garcia, Hafner, Jones, King, Lacasa, Lawson, Littlefield, Livingston, Logan, Lynn, Mackey, Meek, Melvin, Merchant, Minton, Morse, Posey, K. Pruitt, Reddick, Ritchie, Roberts-Burke, Sanderson, Smith, Sublette, Turnbull, Valdes, Villalobos, Warner, Wasserman Schultz, Wise

Votes after roll call:
Yeas—Turnbull, Wiles

So the bill passed, as amended. On motion by Rep. Bainter, the rules were suspended and the bill was immediately certified to the Senate after engrossment.

HB 3763—A bill to be entitled An act relating to funeral and cemetery services; providing a short title; amending s. 497.005, F.S.; defining "care and maintenance"; creating s. 497.0255, F.S.; providing a duty of care and maintenance of licensed cemeteries in this state; providing rulemaking authority to the Board of Funeral and Cemetery Services for such purpose; amending s. 497.229, F.S.; providing circumstances under which a cemetery or component thereof may be deemed a public nuisance and providing for abatement thereof; amending s. 497.253, F.S.; providing additional requirements with respect to the conveyance of cemetery property to noncemetery uses, including certain notice; creating s. 497.255, F.S.; providing standards for construction and significant alteration or renovation of mausoleums and columbaria; providing rulemaking authority with respect to such standards to the board, in conjunction with the Board of Building Codes and Standards, and providing for incorporation of a portion thereof in the State Minimum Building Codes; requiring all newly constructed and significantly altered or renovated mausoleums and columbaria to conform to such standards and applicable building codes; amending s. 497.257, F.S.; including columbaria in provisions relating to preconstruction requirements applicable to mausoleums and belowground crypts; amending s. 497.527, F.S.; authorizing the Attorney General to bring a civil action for violation of chapter 497, relating to regulation of funeral and cemetery services, in the appropriate court; increasing the minimum liability for actual damages, except for violations designated as minor by rule of the board; amending s. 872.02, F.S., relating to prohibitions against injuring or removing tombs or monuments or disturbing the contents of graves or tombs; increasing penalties; specifying that the term "tomb" includes any mausoleum, columbarium, and belowground crypt; amending s. 245.07, F.S.; revising provisions relating to retention and disposition of bodies received by an anatomical board; creating the Task Force on Abandoned and Neglected Cemeteries within the Department of Banking and Finance; providing for appointment of members and election of officers; authorizing reimbursement for per diem and travel; requiring the department to provide administrative and staff support; providing duties; requiring preliminary and final reports; providing for termination of the task force; providing an appropriation; providing effective dates.

—was read the second time by title.

The Committee on Real Property & Probate offered the following:

Amendment 1 (with title amendment)—On page 6, line 12, remove from the bill: everything after the enacting clause

and insert in lieu thereof:

Section 1. *This act may be cited as the "Cemetery Preservation and Consumer Protection Act."*

Section 2. Section 497.005, Florida Statutes, is amended to read:

497.005 Definitions.—As used in this chapter:

(1)~~(17)~~ "At-need solicitation" means any uninvited contact by a licensee or her or his agent for the purpose of the sale of burial services or merchandise to the family or next of kin of a person after her or his death has occurred.

(2)~~(9)~~ "Bank of belowground crypts" means any construction unit of belowground crypts which is acceptable to the department and which a cemetery uses to initiate its belowground crypt program or to add to existing belowground crypt structures.

(3)~~(8)~~ "Belowground crypts" consist of interment space in preplaced chambers, either side by side or multiple depth, covered by earth and sod and known also as "lawn crypts," "westminsters," or "turf-top crypts."

(4)~~(30)~~ "Board" means the Board of Funeral and Cemetery Services.

(5)~~(12)~~ "Burial merchandise," "funeral merchandise," or "merchandise" means any personal property offered or sold by any person for use in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains.

(6)~~(11)~~ "Burial right" means the right to use a grave space, mausoleum, or columbarium for the interment, entombment, or inurnment of human remains.

(7)~~(13)~~ "Burial service," "funeral service," or "service" means any service offered or provided by any person in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains.

(8) "Care and maintenance" means the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments in a well-cared-for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community. As specified in the rules of the board, "care and maintenance" may include, but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and exotic flora; and maintenance, upkeep, and repair of drains, water lines, roads, buildings, and other improvements. "Care and maintenance" may include, but is not limited to, reasonable overhead expenses necessary for such purposes, including maintenance of machinery, tools, and equipment used for such purposes. "Care and maintenance" may also include repair or restoration of improvements necessary or desirable as

a result of wear, deterioration, accident, damage, or destruction. "Care and maintenance" does not include expenses for the construction and development of new grave spaces or interment structures to be sold to the public.

(9)~~(14)~~ "Casket" means a rigid container which is designed for the encasement of human remains and which is usually constructed of wood or metal, ornamented, and lined with fabric.

(10)~~(2)~~ "Cemetery" means a place dedicated to and used or intended to be used for the permanent interment of human remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium or other structure or place used or intended to be used for the interment of cremated human remains; or any combination of one or more of such structures or places.

(11)~~(5)~~ "Cemetery company" means any legal entity that owns or controls cemetery lands or property.

(12)~~(31)~~ "Certificateholder" or "licensee" means the person or entity that is authorized under this chapter to sell preneed funeral or burial services, preneed funeral or burial merchandise, or burial rights. Each term shall include the other, as applicable, as the context requires. For the purposes of chapter 120, all certificateholders, licensees, and registrants shall be considered licensees.

(13)~~(4)~~ "Columbarium" means a structure or building which is substantially exposed above the ground and which is intended to be used for the inurnment of cremated human remains.

(14)~~(32)~~ "Common business enterprise" means a group of two or more business entities that share common ownership in excess of 50 percent.

(15)~~(28)~~ "Community" means the area within a 15-mile radius surrounding the location or proposed location of a cemetery.

(16)~~(25)~~ "Cremation" includes any mechanical or thermal process whereby a dead human body is reduced to ashes. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, recremated, or otherwise further reduced in size or quantity.

(17)~~(7)~~ "Department" means the Department of Banking and Finance.

(18)~~(19)~~ "Direct disposer" means any person who is registered in this state to practice direct disposition pursuant to the provisions of chapter 470.

(19)~~(20)~~ "Final disposition" means the final disposal of a dead human body whether by interment, entombment, burial at sea, cremation, or any other means and includes, but is not limited to, any other disposition of remains for which a segregated charge is imposed.

(20)~~(21)~~ "Funeral director" means any person licensed in this state to practice funeral directing pursuant to the provisions of chapter 470.

(21)~~(6)~~ "Grave space" means a space of ground in a cemetery intended to be used for the interment in the ground of human remains.

(22)~~(1)~~ "Human remains" means the bodies of deceased persons and includes bodies in any stage of decomposition and cremated remains.

(23)~~(3)~~ "Mausoleum" means a structure or building which is substantially exposed above the ground and which is intended to be used for the entombment of human remains.

(24)~~(10)~~ "Mausoleum section" means any construction unit of a mausoleum which is acceptable to the department and which a cemetery uses to initiate its mausoleum program or to add to its existing mausoleum structures.

(25)~~(18)~~ "Monument" means any product used for identifying a grave site and cemetery memorials of all types, including monuments, markers, and vases.

(26)~~(27)~~ "Monument establishment" means a facility that operates independently of a cemetery or funeral establishment and that offers to sell monuments or monument services to the public for placement in a cemetery.

(27)~~(24)~~ "Net assets" means the amount by which the total assets of a certificateholder, excluding goodwill, franchises, customer lists, patents, trademarks, and receivables from or advances to officers, directors, employees, salespersons, and affiliated companies, exceed total liabilities of the certificateholder. For purposes of this definition, the term "total liabilities" does not include the capital stock, paid-in capital, or retained earnings of the certificateholder.

(28)~~(29)~~ "Net worth" means total assets minus total liabilities pursuant to generally accepted accounting principles.

(29)~~(16)~~ "Outer burial container" means an enclosure into which a casket is placed and includes, but is not limited to, vaults made of concrete, steel, fiberglass, or copper; sectional concrete enclosures; crypts; and wooden enclosures.

(30)~~(22)~~ "Preneed contract" means any arrangement or method, of which the provider of funeral merchandise or services has actual knowledge, whereby the funeral establishment, direct disposer, or certificateholder agrees to furnish funeral merchandise or service in the future.

(31)~~(26)~~ "Servicing agent" means any person acting as an independent contractor whose fiduciary responsibility is to assist both the trustee and certificateholder hereunder in administrating their responsibilities pursuant to this chapter.

(32)~~(15)~~ "Solicitation" means any communication which directly or implicitly requests an immediate oral response from the recipient.

(33)~~(23)~~ "Statutory accounting" means generally accepted accounting principles, except as modified by this chapter.

Section 3. Section 497.0255, Florida Statutes, is created to read:

497.0255 Duty of care and maintenance of licensed cemetery.—Every cemetery company or other entity responsible for the care and maintenance of a licensed cemetery in this state shall ensure that the grounds, structures, and other improvements of the cemetery are well cared for and maintained in a proper and dignified condition. The board shall adopt, by no later than July 1, 1999, such rules as are necessary to implement and enforce this section. In developing and promulgating said rules, the board may define different classes of cemeteries or care and maintenance, and may provide for different rules to apply to each of said classes, if the designation of classes and the application of different rules is in the public interest and is supported by findings by the board based on evidence of industry practices, economic and physical feasibility, location, or intended uses; provided, that the rules shall provide minimum standards applicable to all cemeteries. For example, and without limiting the generality of the foregoing, the board may determine that a small rural cemetery with large trees and shade area does not require, and may not be able to attain, the same level of lawn care as a large urban cemetery with large open grassy areas and sprinkler systems.

Section 4. Section 497.229, Florida Statutes, is amended to read:

497.229 Courts; powers*; abatement of nuisances.*—

(1) In addition to all other means provided by law for the enforcement of a temporary restraining order or an injunction, the circuit court may impound the property of a cemetery company, including books, papers, documents, and records pertaining thereto, and may appoint a receiver or administrator to prevent further violation of this chapter.

(2) A court-appointed receiver or administrator may take any action to implement the provisions of the court order, to ensure the performance of the order, and to remedy any breach thereof.

(3) Any non-conforming physical condition in a cemetery or component thereof which is the result of a violation of this chapter or of

the rules of the board relating to construction, physical operations, or care and maintenance at the cemetery shall be deemed a public nuisance, and the non-conforming physical conditions caused by such violation may be abated as provided in s. 60.05.

Section 5. Section 497.253, Florida Statutes, is amended to read:

497.253 Minimum acreage; sale or disposition of cemetery lands.—

(1) Each licensee shall set aside a minimum of 15 contiguous acres of land for use by the licensee as a cemetery and shall not sell, mortgage, lease, or encumber that property without prior written approval of the department.

(2) Any lands owned by a licensee and dedicated for use by it as a cemetery, which are contiguous, adjoining, or adjacent to the minimum of 15 contiguous acres described in subsection (1), may be sold, conveyed, or disposed of by the licensee, after obtaining written approval of the department *pursuant to subsection (3)*, for use by the new owner for other purposes than as a cemetery. All of the human remains which have been previously interred therein shall first have been removed from the lands proposed to be sold, conveyed, or disposed of*; however, the provisions of ss. 497.515(7) and 470.0295 must be complied with prior to any disinterment of human remains*. Any and all titles, interests, or burial rights which may have been sold or contracted to be sold in lands which are the subject of the sale shall be conveyed to and revested in the licensee prior to consummation of any such sale, conveyance, or disposition.

(3)(a) If the property to be sold, conveyed, or disposed of under subsection (2) has been or is being used for the permanent interment of human remains, the applicant for approval of such sale, conveyance, or disposition shall cause to be published, at least once a week for 4 consecutive weeks, a notice meeting the standards of publication set forth in s. 125.66(4)(b)2. The notice shall describe the property in question and the proposed noncemetery use and shall advise substantially affected persons that they may file a written request for a hearing pursuant to chapter 120, within 14 days after the date of last publication of the notice, with the department if they object to granting the applicant's request to sell, convey, or dispose of the subject property for noncemetery uses.

(b) If the property in question has never been used for the permanent interment of human remains, no notice or hearing is required.

(c) If the property in question has been used for the permanent interment of human remains, the department shall approve the application, in writing, if it finds that it would not be contrary to the public interest. In determining whether to approve the application, the department shall consider any evidence presented concerning the following:

1. The historical significance of the subject property, if any.

2. The archaeological significance of the subject property, if any.

3. The public purpose, if any, to be served by the proposed use of the subject property.

4. The impact of the proposed change in use of the subject property upon the inventory of remaining cemetery facilities in the community and upon the other factors enumerated in s. 497.201(3).

5. The impact of the proposed change in use of the subject property upon the reasonable expectations of the families of the deceased regarding whether the cemetery property was to remain as a cemetery in perpetuity.

6. Whether any living relatives of the deceased actively oppose the relocation of their deceased's remains and the conversion of the subject property to noncemetery uses.

7. The elapsed time since the last interment in the subject property.

8. Any other factor enumerated in this chapter that the department considers relevant to the public interest.

(d) Any deed, mortgage, or other conveyance by a cemetery company or other owner pursuant to subsections (a) and (c) above must contain a disclosure in the following or substantially similar form:

NOTICE: The property described herein was formerly used and dedicated as a cemetery. Conveyance of this property and its use for noncemetery purposes was authorized by the Florida Department of Banking and Finance by Order No. . . . . , dated . . . . .

(e) The department shall adopt such rules as are necessary to carry out the provisions of this section.

(4)~~(3)~~ A licensee may convey and transfer to a municipality or county its real and personal property, together with moneys deposited in trust funds pursuant to this chapter, provided the municipality or county will accept responsibility for maintenance thereof and prior written approval of the department is obtained.

(5)~~(4)~~ The provisions of subsections (1) and (2) relating to a requirement for minimum acreage shall not apply to any cemetery company licensed by the department on or before July 1, 1965, which owns a total of less than 15 acres of land; however, no cemetery company shall dispose of any land without the prior written consent of the department.

Section 6. Section 497.255, Florida Statutes, is created to read:

497.255 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(1) All newly constructed and significantly altered or renovated mausoleums and columbaria must, in addition to complying with applicable building codes, conform to the standards adopted under this section.

(2) The board shall adopt, by no later than July 1, 1999, rules establishing minimum standards for all newly constructed and significantly altered or renovated mausoleums and columbaria; however, in the case of significant alterations or renovations to existing structures, the rules shall apply only, when physically feasible, to the newly altered or renovated portion of such structures, except as specified in subsection (4). In developing and promulgating said rules, the board may define different classes of structures or construction standards, and may provide for different rules to apply to each of said classes, if the designation of classes and the application of different rules is in the public interest and is supported by findings by the board based on evidence of industry practices, economic and physical feasibility, location, or intended uses; provided, that the rules shall provide minimum standards applicable to all construction. For example, and without limiting the generality of the foregoing, the board may determine that a small single-story ground level mausoleum does not require the same level of construction standards that a large multi-story mausoleum might require; or that a mausoleum located in a low-lying area subject to frequent flooding or hurricane threats might require different standards than one located on high ground in an area not subject to frequent severe weather threats. The board shall develop the rules in cooperation with, and with technical assistance from, the Board of Building Codes and Standards of the Department of Community Affairs, to ensure that the rules are in the proper form and content to be included as part of the State Minimum Building Codes under part VII of chapter 553. If the Board of Building Codes and Standards advises that some of the standards proposed by the board are not appropriate for inclusion in such building codes, the board may choose to include those standards in a distinct chapter of its rules entitled "Non-Building-Code Standards for Mausoleums" or "Additional Standards for Mausoleums," or other terminology to that effect. If the board elects to divide the standards into two or more chapters, all such rules shall be binding on licensees and others subject to the jurisdiction of the board, but only the chapter containing provisions appropriate for building codes shall be transmitted to the Board of Building Codes and Standards pursuant to subsection (3). Such rules may be in the form of standards for design and construction; methods, materials, and specifications for construction; or other mechanisms. Such rules shall encompass, at a minimum, the following standards:

(a) No structure may be built or significantly altered for use for interment, entombment, or inurnment purposes unless constructed of such material and workmanship as will ensure its durability and permanence, as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.

(b) Such structure must be so arranged that the exterior of any vault, niche, or crypt may be readily examined at any time by any person authorized by law to do so.

(c) Such structure must contain adequate provision for drainage and ventilation.

(d) Such structure must be of fire-resistant construction. Notwithstanding the requirements of Ch. 633 and s. 553.895, any mausoleum or columbarium constructed of noncombustible materials, as defined in the Standard Building Code, shall not require a sprinkler system.

(e) Such structure must be resistant to hurricane and other storm damage to the highest degree provided under applicable building codes for buildings of that class.

(f) Suitable provisions must be made for securely and permanently sealing each crypt with durable materials after the interment or entombment of human remains, so that no effluvia or odors may escape therefrom except as provided by design and sanitary engineering standards. Panels for permanent seals must be solid and constructed of materials of sufficient weight, permanence, density, imperviousness, and strength as to ensure their durability and continued functioning. Permanent crypt sealing panels must be securely installed and set in with high quality fire-resistant, resilient, and durable materials after the interment or entombment of human remains. The outer or exposed covering of each crypt must be of a durable, permanent, fire-resistant material; however, plastic, fiberglass, and wood are not acceptable materials for such outer or exposed coverings.

(g) Interior and exterior fastenings for hangers, clips, doors, and other objects must be of copper, copper-base alloy, aluminum, or stainless steel of adequate gauges, or other materials established by rule which provide equivalent or better strength and durability, and must be properly installed.

(3) The board shall transmit the rules as adopted under subsection (2), hereinafter referred to as the "mausoleum standards," to the Board of Building Codes and Standards, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they shall be returned by the Board of Building Codes and Standards to the board with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Board of Building Codes and Standards shall adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part VII of chapter 553. When so designated by the Board of Building Codes and Standards, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2) and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building code.

(4) In addition to the rules adopted under subsection (2), the board shall adopt rules providing that following all interments, inurnments, and entombments in mausoleums and columbaria occurring after the effective date of such rules, whether newly constructed or existing, suitable provision must be made, when physically feasible, for sealing each crypt in accordance with standards promulgated pursuant to paragraph (2)(f).

(5) For purposes of this section, "significant alteration or renovation" means any addition, renovation or repair which results in the creation of new crypt or niche spaces.

Section 7. Section 497.257, Florida Statutes, is amended to read:

497.257 Construction of mausoleums, *columbaria,* and belowground crypts; preconstruction trust fund; compliance requirement.—

(1) A cemetery company shall start construction of that section of a mausoleum, *columbarium,* or bank of belowground crypts in which sales, contracts for sales, reservations for sales, or agreements for sales are being made within 4 years after the date of the first such sale or 50 percent of the mausoleum, *columbarium,* or belowground crypts have been sold and the purchase price has been received, whichever occurs first. The construction shall be completed within 5 years after the date of the first sale made. However, extensions for completion, not to exceed 1 year, may be granted by the department for good cause shown. If the units have not been completely constructed at the time of need or the time specified herein, all moneys paid shall be refunded upon request, plus interest earned thereon for that portion of the moneys deposited in the trust fund and an amount equal to the interest that would have been earned on that portion of the moneys that were not in trust.

(2) A cemetery company which plans to offer for sale space in a section of a mausoleum, *columbarium,* or bank of belowground crypts prior to construction shall establish a preconstruction trust fund by written instrument. The preconstruction trust fund shall be administered by a corporate trustee and operated in conformity with s. 497.417. The preconstruction trust fund shall be separate from any other trust funds that may be required by this chapter.

(3) Before a sale, contract for sale, reservation for sale, or agreement for sale in a mausoleum section *columbarium,* or bank of belowground crypts may be made, the cemetery company shall compute the amount to be deposited to the preconstruction trust fund. The total amount to be deposited in the fund for each unit of the project shall be computed by dividing the cost of the project plus 10 percent of the cost, as computed by a licensed contractor, engineer, or architect, by the number of crypts in the section or bank of belowground crypts *or the number of niches in the columbarium*. When payments are received in installments, the percentage of the installment payment placed in trust must be identical to the percentage which the payment received bears to the total cost of the contract, including other merchandise and services purchased. Preconstruction trust fund payments shall be made within 30 days after the end of the month in which payment is received.

(4) When the cemetery company delivers a completed crypt *or niche* acceptable to the purchaser in lieu of the crypt *or niche* purchased prior to construction, all sums deposited to the preconstruction trust fund for that purchaser shall be paid to the cemetery company.

(5) Each cemetery company may negotiate, at the time of establishment of the preconstruction trust fund, a procedure for withdrawal of the escrowed funds as a part of the construction cost of the mausoleum section, *columbarium,* or bank of belowground crypts contemplated, subject to the approval of the department. Upon completion of the mausoleum section, *columbarium,* or bank of belowground crypts, the cemetery company shall certify completion to the trustee and shall be entitled to withdraw all funds deposited to the account thereof.

(6) If the mausoleum section, *columbarium,* or bank of belowground crypts is not completed within the time limits set out in this section, the trustee shall contract for and cause the project to be completed and pay therefor from the trust funds deposited to the project's account paying any balance, less cost and expenses, to the cemetery company. The refund provisions of subsection (1) apply only to the extent there are funds remaining in excess of the costs to complete the facilities, prior to any payments to the cemetery company.

(7) On or before April 1 of each year, the trustee shall file with the board in the form prescribed by the board a full and true statement as to the activities of any trust established by the board pursuant to this chapter for the preceding calendar year.

(8) In lieu of the payments outlined hereunder to the preconstruction trust fund, the cemetery company may deliver to the department a performance bond in an amount and by a surety company acceptable to the department.

Section 8. Subsection (4) of section 497.417, Florida Statutes, is amended to read:

497.417 Disposition of proceeds received on contracts.—

(4) The trustee of the trust established pursuant to this section shall only have the power to:

(a) Invest in investments as prescribed in s. 215.47 and exercise the powers set forth in part IV of chapter 737, provided that the board may by order require the trustee to liquidate or dispose of any investment within 30 days after such order.

~~(b) Purchase from an insurance company, licensed by this state, life insurance policies or annuity contracts not to exceed the aggregate amount of $250,000 on any one individual life.~~

(b)~~(c)~~ Borrow money up to an aggregate amount of 10 percent of trust assets, at interest rates then prevailing from any individual, bank, insurance company, or other source, irrespective of whether any such person is then acting as trustee, and to create security interests in no more than 10 percent of trust assets by mortgage, pledge, or otherwise, upon the terms and conditions and for such purposes as the trustee may deem advisable.

(c)~~(d)~~ Commingle the property of the trust with the property of any other trust established pursuant to this chapter and make corresponding allocations and divisions of assets, liabilities, income, and expenses.

Section 9. Subsection (12) of section 497.429, Florida Statutes, is hereby repealed.

Section 10. Section 497.527, Florida Statutes, is amended to read:

497.527 Civil remedies.—*The Attorney General or* any person may bring a civil action against a person or company violating the provisions of this chapter in the *appropriate* ~~circuit~~ court of the county in which the alleged violator resides or has his or her or its principal place of business or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages *caused by such violation* ~~or $500, whichever is greater~~. The court may, as provided by common law, award punitive damages and may provide such equitable relief as it deems proper or necessary, including enjoining the defendant from further violations of this chapter.

Section 11. Section 872.02, Florida Statutes, is amended to read:

872.02 Injuring or removing tomb or monument; disturbing contents of grave or tomb; penalties.—

(1) A person who willfully and knowingly destroys, mutilates, defaces, injures, or removes any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, or other thing intended for the protection or ornamentation of any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure before mentioned, or for any enclosure for the burial of the dead, or willfully destroys, mutilates, removes, cuts, breaks, or injures any tree, shrub, or plant placed or being within any such enclosure, *commits* ~~is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. However, if the damage to such property is greater than $100 or if any property removed is greater than $100 in value, then the person is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who willfully and knowingly disturbs the contents of a tomb or grave *commits* ~~is guilty of~~ a felony of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section shall not apply to any person acting under the direction or authority of the Division of Historical Resources of the Department of State, to cemeteries operating under chapter 497, or to any person otherwise authorized by law to remove or disturb a tomb, monument, gravestone, burial mound, or similar structure, or its contents, as described in subsection (1).

(4) For purposes of this section, the term "tomb" includes any mausoleum, columbarium, or belowground crypt.

Section 12. Section 245.07, Florida Statutes, is amended to read:

245.07 Retention of bodies before use; unfit or excess number of bodies, disposition procedure.—All bodies received by the anatomical board shall be retained in receiving vaults for a period of not less than 48 hours before allowing their use for medical science; if at any time more bodies are made available to the anatomical board than can be used for medical science under its jurisdiction, or if a body shall be deemed by the anatomical board to be unfit for anatomical purposes, the anatomical board may notify, in writing, the county commissioners or *other legally authorized person, as defined in s. 470.002,* ~~the person or entity in control of such body~~ in the county where such person died, to cause it to be buried or cremated in accordance with the ~~already existing~~ rules, laws and practices for disposing of such unclaimed bodies ~~within the confines of the said county~~. However, prior to having any body buried or cremated, the county shall make a reasonable effort to determine the identity of the body and shall further make a reasonable effort to contact any relatives of the deceased person. If a relative of the deceased person is contacted and expresses a preference for either burial or cremation, the county shall make a reasonable effort to accommodate the request of the relative. For purposes of this section, the county commissioners of the county where such person died shall be considered a ~~"~~legally authorized person~~"~~ *as defined in* ~~pursuant to~~ s. 470.002~~(18)~~. A person licensed under chapter 470 *or chapter 497* shall not be liable for any damages resulting from cremating *or burying* such body at the direction of the *county's legally authorized person* ~~county commission~~.

Section 13. *(1) There is created within the Department of Banking and Finance the Task Force on Abandoned and Neglected Cemeteries. The task force shall be composed of 11 members appointed by the Comptroller and representing the following interests:*

(a) A representative of the licensed cemetery industry.

(b) A representative of preneed certificateholders.

(c) A representative of church-owned cemeteries.

(d) A representative of cemeteries owned by nonprofit organizations.

(e) A representative of consumer interests.

(f) A representative of the department.

(g) A person nominated by the Secretary of State as a representative of historic preservation and archaeological interests.

(h) A person nominated by the Florida League of Cities as a representative of municipally owned or maintained cemeteries.

(i) A person nominated by the Florida Association of Counties as a representative of county-owned or county-maintained cemeteries.

(j) Two citizen members.

(2) The members of the task force shall elect from among their number a chair and a vice chair.

(3) Members of the task force shall be appointed no later than 30 days after this act becomes a law. The task force shall serve from the time its

members are appointed until adjournment sine die of the 1999 Regular Session of the Legislature.

(4) The members of the task force shall serve without compensation, but shall be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(5) The department shall provide administrative and staff support for the task force.

(6) The task force shall:

(a) Examine the extent to which some cemeteries in the state are abandoned and therefore have no existing responsible person or entity in charge, or are neglected and therefore are not receiving adequate care and maintenance.

(b) Examine the extent to which some cemeteries in the state, although they are owned and operated by some identifiable person or entity, are neglected due to a lack of sufficient funds to perform adequate care and maintenance or for other reasons.

(c) Examine the extent to which neglected cemeteries in the state create problems for citizens and local governments due to vandalism, storm damage, dilapidation, public health concerns, public safety concerns, lack of enforceable standards, and strain on local government financial resources.

(d) Examine the extent to which neglected cemeteries in the state represent a loss of significant historic or archaeological resources.

(e) Examine whether or not bringing presently unlicensed operating cemeteries under state regulation as to physical facilities and care and maintenance may help ameliorate the problems caused by neglected cemeteries.

(f) Examine whether or not a program of grants to assist in providing adequate care and maintenance for abandoned and neglected cemeteries may help ameliorate the problems caused by neglected cemeteries and, if so, how the grant program should be structured, administered, and funded.

(g) Examine current governmental and nongovernmental programs that help or could help ameliorate the problems caused by neglected cemeteries, to see if some expansion or increased emphasis or support could do more to help ameliorate the problems caused by neglected cemeteries in a more cost-effective manner than a grant program.

(h) Report findings and make recommendations concerning solutions to problems found by the task force, including a draft of any legislation deemed advisable to implement recommended solutions.

(7) The task force shall produce a preliminary report by December 1, 1998, and a final report by January 15, 1999, detailing its findings and recommendations. Copies of each report shall be transmitted to the Comptroller, the President and the Minority Leader of the Senate, and the Speaker and the Minority Leader of the House of Representatives. Copies shall also be furnished to the Governor, the Secretary of State, the Attorney General, and the Office of Program Policy Analysis and Government Accountability. After submission of the final report, members of the task force may, with the approval of the chair, receive reimbursement pursuant to subsection (4) for travel necessary to consult with the department or the Legislature concerning issues raised by the final report or other work of the task force, until termination of the task force as provided in subsection (3).

(8) This section shall take effect upon this act becoming a law.

Section 14. *There is hereby appropriated to the Department of Banking and Finance from the department's Regulatory Trust Fund an amount sufficient to carry out the purposes of this act.*

Section 15. Except as otherwise provided herein, this act shall take effect July 1 of the year in which enacted; however, the provisions of sections 497.0255 and 497.255, Florida Statutes, as created by this act, and the changes to section 497.253, Florida Statutes, as amended by this act, shall not be enforceable until the rules implementing those provisions have been adopted by the Board of Funeral and Cemetery Services or the Department of Banking and Finance, as applicable.

And the title is amended as follows:

On page 1, line 2, through page 6, line 9,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to funeral and cemetery services; providing a short title; amending s. 497.005, F.S.; defining "care and maintenance"; creating s. 497.0255, F.S.; providing a duty of care and maintenance of licensed cemeteries in this state; providing rulemaking authority to the Board of Funeral and Cemetery Services for such purpose; amending s. 497.229, F.S.; providing circumstances under which a cemetery or component thereof may be deemed a public nuisance and providing for abatement thereof; amending s. 497.253, F.S.; providing additional requirements with respect to the conveyance of cemetery property to noncemetery uses, including certain notice; creating s. 497.255, F.S.; providing standards for construction and significant alteration or renovation of mausoleums and columbaria; providing rulemaking authority with respect to such standards to the board, in conjunction with the Board of Building Codes and Standards, and providing for incorporation of a portion thereof in the State Minimum Building Codes; requiring all newly constructed and significantly altered or renovated mausoleums and columbaria to conform to such standards and applicable building codes; amending s. 497.257, F.S.; including columbaria in provisions relating to preconstruction requirements applicable to mausoleums and belowground crypts; amending s. 497.417, F.S.; deleting authority of the trustee of a trust to purchase life insurance policies and annuity contracts; repealing subsection (12) of s. 497.429, F.S., deleting the requirement that the trustee of an alternative preneed contract trust make valuations of assets and provide annual reports to the purchaser and the board; amending s. 497.527, F.S.; authorizing the Attorney General to bring a civil action for violation of chapter 497, relating to regulation of funeral and cemetery services, in the appropriate court; providing for damages; amending s. 872.02, F.S., relating to prohibitions against injuring or removing tombs or monuments or disturbing the contents of graves or tombs; increasing penalties; specifying that the term "tomb" includes any mausoleum, columbarium, and belowground crypt; amending s. 245.07, F.S.; revising provisions relating to retention and disposition of bodies received by an anatomical board; creating the Task Force on Abandoned and Neglected Cemeteries within the Department of Banking and Finance; providing for appointment of members and election of officers; authorizing reimbursement for per diem and travel; requiring the department to provide administrative and staff support; providing duties; requiring preliminary and final reports; providing for termination of the task force; providing an appropriation; providing effective dates.

WHEREAS, Florida is the retirement state of choice for most Americans, attracting hundreds of thousands of new citizens who move to this state to live their remaining years enjoying its famous climate and cultural amenities, and

WHEREAS, the number of Florida citizens over the age of 65 has dramatically increased and will continue to increase at a rate faster than the growth in the state's population as a whole, and

WHEREAS, the number of Florida citizens over the age of 85 has dramatically increased and will continue to increase more than twice as fast as those over the age of 65, and

WHEREAS, in 1995 Florida had the second highest median age in the nation, and

WHEREAS, Florida has the third highest unadjusted death rate in the United States, and

WHEREAS, 154,734 persons died in Florida in 1996, and

WHEREAS, the number of burials in Florida cemeteries will continue to increase in the future, and

WHEREAS, gross sales reported by Florida cemetery licensees increased from $175,393,887 in 1996 to $194,427,476 in 1997, and

WHEREAS, Florida cemetery licensees paid less than one-quarter of one percent of gross sales for their licenses in 1996, and

WHEREAS, cemeteries are a critical part of Florida's historical and cultural resources, and

WHEREAS, the legislative purposes for regulation of the cemetery industry set forth in s. 497.002(1), Florida Statutes, encompass both the prevention of economic harm to consumers and the prevention of significant emotional stress resulting from the failure to properly maintain cemetery grounds, yet the majority of the present statutory and regulatory provisions relate to economic problems but not to care and maintenance, and

WHEREAS, the families and loved ones of the deceased who are interred in Florida deserve well-maintained cemetery facilities which provide the highest dignity and respect accorded to the deceased's final resting place that is compatible with reasonable and practical economic constraints, and

WHEREAS, inadequate care and maintenance of a cemetery where a loved one is interred causes added stress and emotional trauma to the deceased's family and friends, and

WHEREAS, a person who makes burial arrangements with a Florida cemetery or preneed provider will receive assurances concerning the care, dignity, and maintenance of the deceased's final resting place, and

WHEREAS, a person who makes such arrangements may not have family members in Florida to ensure that the proper care and maintenance of the deceased's final resting place are being performed, and

WHEREAS, the state may be the only entity available to enforce minimum standards of care and maintenance to protect the dignity of the deceased and the memories of the family and loved ones, and

WHEREAS, Florida has fewer written standards regulating the physical operations of cemeteries than other states, leading to some serious inconsistencies in the quality of cemetery facilities and their care and maintenance in Florida, and

WHEREAS, a large number of cemeteries in Florida have no entity responsible for their care and maintenance and have become abandoned, overgrown, dilapidated, and otherwise neglected, creating eyesores and decreasing neighboring property values, and

WHEREAS, neglected cemeteries become breeding grounds for mosquitoes, rats, and other vermin, raising serious public health concerns, and

WHEREAS, vandalism and other crimes associated with neglected cemeteries are increasing, making the neighborhoods in which they are located less safe for families, and

WHEREAS, inadequately maintained graves, crypts, and mausoleums at abandoned cemeteries can be broken open as a result of vandalism or storm damage, exposing human remains, and

WHEREAS, citizen complaints often cause local governments to take over or perform care and maintenance at abandoned and neglected cemeteries, leading to a strain on local government financial resources, and

WHEREAS, it is an affront to the dignity of our departed and a source of pain to their families when grave spaces are overgrown with weeds and tombstones are broken and scattered due to neglect, and

WHEREAS, cemeteries that have been abandoned and neglected for long periods can become obliterated, leading to a loss of important historical, genealogical, and archaeological information, and

WHEREAS, Florida's communities should be encouraged to assist in the preservation and protection which is due the final resting places of the deceased, and

WHEREAS, the cemeteries where our deceased loved ones are interred deserve at least as much protection from vandalism and other crime as construction sites and orange groves enjoy under current law, and

WHEREAS, the Legislature finds that it is necessary to improve the regulation of the physical facilities and operations of Florida cemeteries in order to honor the memories of deceased citizens, protect the families and friends of the deceased from significant emotional stress, safeguard the integrity of Florida cemeteries, protect the interests of consumers, preserve our historical heritage, protect the public health and welfare, and reduce the financial burden on local governments, NOW, THEREFORE,

Rep. Crist moved the adoption of the amendment.

Representative(s) Crist offered the following:

Amendment 1 to Amendment 1—On page 24, lines 14-17,
remove from the amendment: all of said lines

and insert in lieu thereof:

Section 14. *There is hereby appropriated $131,042 and one career service position for fiscal year 1998-1999 to the Department of Banking and Finance from the department's Regulatory Trust Fund for the purpose of enforcing the provisions of this act.*

Rep. Crist moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Crist offered the following:

Amendment 2 to Amendment 1—On page 21, line 24,
remove from the amendment: all of said line

and insert in lieu thereof:

(b) A representative of preneed certificateholders who is not associated with a cemetery company through an ownership interest or through employment with a company which has an ownership interest in a cemetery.

Rep. Crist moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Crist offered the following:

Amendment 3 to Amendment 1—On page 23, between lines 23 & 24,

insert:

(h) Examine the extent to which disclosure of ownership of cemeteries, preneed providers, and funeral homes would provide information of benefit to consumers.

Rep. Crist moved the adoption of the amendment to the amendment.

Further consideration of **HB 3763**, with pending amendments, was temporarily postponed under Rule 147.

Ceremonial Resolutions Calendar

REPRESENTATIVE CRADY IN THE CHAIR

HR 9451—A resolution honoring the memory of novelist and teacher, Michael Shaara.

WHEREAS, Michael Shaara is most well known for writing the Pulitzer Prize winning novel, "The Killer Angels," in 1975, but to a great many former students of Florida State University, Michael Shaara was an inspired writer, teacher, and friend whose life and career ended much too quickly, and

WHEREAS, after graduating from Rutgers University and attending Columbia University and the University of Vermont, Michael Shaara began his writing career, with 75 published short stories and articles and two novels to his credit before coming to FSU as a teacher in the early 1960's, and

WHEREAS, widely admired by his students, Michael Shaara eschewed the traditional classroom setting in favor of more informal methods, and

WHEREAS, in 1965, Michael Shaara suffered a heart attack and was "clinically dead" for nearly an hour, and

WHEREAS, after being brought back to life with shock treatments, Michael Shaara turned the experience into an article for the Saturday Evening Post called "The New Lazarus," and

WHEREAS, the American Medical Association presented Michael Shaara with an award for the article and for his research and understanding of heart problems, and

WHEREAS, in 1966, Michael Shaara won the Coyle Moore, Jr., Award for excellence in teaching, and

WHEREAS, in 1968, Michael Shaara's first novel, "The Broken Place," was published, gaining him wide recognition, and

WHEREAS, in 1975, Michael Shaara won the Pulitzer Prize in literature for "The Killer Angels," his graphic account of the Battle of Gettysburg, and

WHEREAS, Michael Shaara published another novel, "The Herald," in 1981, and

WHEREAS, in 1985, Michael Shaara completed his fourth novel, "Billy Boy," which covers 24 hours in the life of Billy Chapel, a star pitcher in major league baseball who is completing his 17th season, and

WHEREAS, Michael Shaara died of a heart attack three years later in 1988, and

WHEREAS, Michael Shaara's final work, "Billy Boy," was published posthumously as "For Love of the Game," and

WHEREAS, the State of Florida lost one of its finest authors with the passing of Michael Shaara, and

WHEREAS, it is with sadness and fond memories that the friends, students, and readers of Michael Shaara note the tenth anniversary of his death, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida hereby honors the memory of novelist and teacher, Michael Shaara.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to his wife, Helen Shaara, as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Turnbull, the resolution was adopted.

HR 9377—A resolution designating April 14, 1998, as Spaceport Florida Day.

WHEREAS, Launch Complex 46, which is operated by Spaceport Florida Authority, is the nation's first state-managed launch complex facility, and

WHEREAS, Spaceport Florida Authority operates the facility in cooperation with the Navy and Air Force, with a license issued by the Federal Aviation Administration, and

WHEREAS, Spaceport Florida Authority converted Launch Complex 46, located on Cape Canaveral Air Station, to give Lockheed Martin and other launch companies a facility to launch a new class of rockets designed to carry a new generation of smaller, lighter, and cheaper satellites that can be deployed to orbit Earth or beyond, and

WHEREAS, the Lockheed Martin Astronautics Athena II rocket was launched successfully on January 6, 1998, from Launch Complex 46, and

WHEREAS, the Lunar Prospector, the third flight in NASA's Discovery Program, was carried into orbit atop the Athena II rocket, and

WHEREAS, this successful launch and mission is a joint effort between NASA's Ames Research Center, which is managing the mission, Lockheed Martin Aerospace, which built the Athena II launch vehicle, Lockheed Martin Missiles & Space, which built the spacecraft, and the Spaceport Florida Authority, and

WHEREAS, the Lunar Prospector traveled approximately 240,250 miles to the Moon in only 124 hours, and will orbit 63 miles above the surface of the Moon once every 118 minutes at a speed of 3,668 miles per hour, and

WHEREAS, the Lunar Prospector's year-long mission is to map the surface of the Moon using various scientific instruments, and

WHEREAS, high school students in Florida and around the nation will gather and analyze the lunar data via Internet connections to NASA's Deep Space Network of antennas and ground stations, and

WHEREAS, NASA will assemble the information for future lunar exploration, including a possible human outpost on the Moon, and

WHEREAS, it is fitting and appropriate that the citizens of the State of Florida be reminded of the tremendous contributions in the area of space exploration and research that are made possible through the efforts of Spaceport Florida, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida designates April 14, 1998, as Spaceport Florida Day, in recognition of Spaceport Florida's contributions to space exploration and research.

—was read the second time by title. On motion by Rep. Futch, the resolution was adopted.

Academic Excellence Council Calendar

Bills and Joint Resolutions on Second Reading

CS/HB 1797 was taken up. On motion by Rep. Warner, the rules were suspended and CS for SB 706 was substituted for CS/HB 1797. Under Rule 99, the House bill was laid on the table and—

CS for SB 706—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising provisions relating to high school graduation credit requirements; providing for early graduation; amending s. 236.081, F.S., relating to funds for operation of schools; providing for calculation of full-time-equivalent student membership for students who graduate early; providing an effective date.

—was read the second time by title.

On motion by Rep. Clemons, under Rule 148(h), the following late-filed amendment was considered.

Representative(s) Clemons and Bloom offered the following:

Amendment 1—On page 5, lines 15 through 30,
remove from the bill: All of said lines

and insert in lieu thereof:

(c) *Subject to the provisions of subsection (1),* district school boards are authorized ~~and encouraged~~ to establish requirements for high school graduation in excess of the minimum requirements *by requiring foreign language credits or by increasing the required academic courses set forth in subsection (1)(a) through (j), and by increasing the minimum grade point average requirement*; however, an increase in *required course* ~~academic credit~~ or minimum grade point average requirements shall not apply to those students enrolled in grades 9 through 12 at the time the district school board increases the requirements. *This paragraph does not preclude district school boards from establishing academic credit requirements in excess of 24 credits for academy, magnet, or other special courses of study programs, including workforce development programs,*

which students may voluntarily enter and agree to the excess requirements.

Rep. Clemons moved the adoption of the amendment, which was adopted.

Under Rule 127, the bill was referred to the Engrossing Clerk.

HB 3951—A bill to be entitled An act relating to school attendance; amending s. 228.041, F.S.; clarifying definition of the term "home education program"; amending s. 229.808, F.S.; providing that definition of the term "nonpublic school" does not include home education program for purpose of survey requirements; amending s. 232.01, F.S., relating to school attendance; clarifying provisions relating to state or school district control of home education programs; amending s. 232.02, F.S.; providing that private tutoring may be used to meet regular school attendance requirements; revising provisions relating to home education programs; clarifying inspection of portfolio; providing for parental selection of method of evaluation; revising process for reporting and submitting written evaluation and test results to superintendent; creating s. 232.0202, F.S.; providing requirements for private tutoring programs; amending s. 232.021, F.S.; providing that attendance reporting requirements do not apply to home education programs; amending ss. 232.425, 240.116, 240.321, 240.40202, 240.40205, and 240.40206, F.S.; correcting cross references and conforming provisions; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

HB 4161—A bill to be entitled An act relating to budgeting; amending s. 216.0172, F.S.; providing for the submission of certain performance-based program budgets by the Department of Education; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

THE SPEAKER IN THE CHAIR

HB 3933—A bill to be entitled An act relating to education; amending s. 231.0861, F.S.; revising provisions relating to selection of principals and assistant principals; providing for the appointment of persons from the private sector or the noneducational governmental sector; providing requirements for eligibility; providing requirements for appointment; amending s. 231.087, F.S.; revising provisions relating to educational management; requiring preservice and inservice programs for educational managers; providing an effective date.

—was read the second time by title and, under Rule 127, referred to the Engrossing Clerk.

Continuation of Ceremonial Resolutions Calendar

HR 9439—A resolution recognizing William A. Wynn, Jr.

WHEREAS, William Austin Wynn, Jr., was born on November 6, 1935, in Sanford, Florida, and

WHEREAS, William A. Wynn, Jr., attended Crooms Academy in Sanford and Bethune-Cookman College in Daytona Beach, and

WHEREAS, following graduate studies at New York University, the University of Wisconsin, and the University of Miami, William A. Wynn, Jr., embarked upon a professional career which was consistently centered in the area of community development and in which he became not only an accomplished businessman, but also an active participant in civic, educational, and economic endeavors, and

WHEREAS, among his many accomplishments, William A. Wynn, Jr., served as Director of Agency Operations for the United Way of Dade County and then served as Vice President of Development for the United Way of America, the first African-American to hold that position, and

WHEREAS, William A. Wynn, Jr., served as Director of Neighborhood Services for the Economic Opportunities Program and as Chairman of the Economic Development Committee of the Greater Miami Chamber of Commerce, and

WHEREAS, William A. Wynn, Jr., served as Chairman of the International Development and Tourism Committee for the Miami-Dade Chamber of Commerce, Executive Vice President of the Greater Miami Coalition, and as a consultant to the White House Center for Voluntary Action, and

WHEREAS, William A. Wynn, Jr., also served as Honorary Consul for Barbados, Director and Chair of the Audit Committee for Bethune-Cookman College, President of the Board of Florida Memorial College, member of the Florida Human Relations Commission, President of the OIC Foundation, Director of the Dade Savings & Loan Association, member of the Governor's Council on Criminal Justice, Vice Chair of the Edison Center/Model City Merchants Association, and Advisory Committee Officer for the University of Miami School of Business, and

WHEREAS, in 1974, William A. Wynn, Jr., founded Afro Carribean Import/Export, Inc., and served as its president and CEO until the time of his death, and

WHEREAS, William A. Wynn, Jr., died on July 7, 1997, leaving behind a legacy of commitment to community service and development, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida hereby recognizes William A. Wynn, Jr., for his commitment to community service and development.

BE IT FURTHER RESOLVED that copies of this resolution be presented to the wife of William A. Wynn, Jr., Evelyn Wynn, and to his son, Dwayne Wynn, as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Meek, the resolution was adopted.

Motions Relating to Committee References

On motion by Rep. Sublette, CS/HB 4175 was recommitted to the Committee on Education Appropriations.

Suspension of the Rules for Committee Meetings and Bills

On motion by Rep. Futch, Chair, the rules were suspended and the Committee on Law Enforcement & Public Safety was given permission to add HB 1329 to the agenda for its meeting today, April 14, at 1:30 p.m., in 314 HOB.

Motion to Adjourn

Rep. King moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 8:30 a.m., Wednesday, April 15. The motion was agreed to.

Recorded Votes

Rep. Brennan:

Yea—passage of CS/HB 1727 after concurrence in Senate amendment(s)

Rep. Casey:

Nay—Amendment 5 to Amendment 1 to CS/HBs 3743 & 3941

Rep. Wise:

Nay—Amendment 5 to Amendment 1 to CS/HBs 3743 & 3941

Prime Sponsors

CS/CS/HB 3265—Fischer
HB 4519—Wallace
HR 9369—Bloom

HR 9459—Barreiro, Bush, Cosgrove, Eggelletion, Heyman, Kosmas, Meek, Morse, Roberts-Burke, Turnbull, Villalobos, Wasserman Schultz, Wiles

Cosponsors

CS/HB 73—Byrd
CS/HB 117—Burroughs, Byrd
CS/HB 531—Byrd, Culp
CS/CS/HB 667—Culp
CS/HB 729—Byrd
CS/HB 825—Byrd
CS/CS/HB 1093—Byrd
HB 1961—Morroni
CS/HB 3165—Byrd
CS/CS/HBs 3249 & 3305—Culp
CS/HB 3333—Byrd, Livingston
CS/CS/HB 3351—Byrd, Culp
CS/HB 3373—Byrd, Culp
CS/HB 3389—Byrd
CS/HB 3427—Brennan, Brown, K. Pruitt
HB 3483—Ziebarth
CS/HB 3619—Byrd
CS/HB 3733—Tamargo
CS/HBs 3743 & 3941—Alexander
HB 3975—Barreiro
HB 4019—Crist
CS/HB 4377—Livingston
HB 4751—Bradley, Byrd, Eggelletion, Mackenzie, Putnam, Reddick, Turnbull
HB 4753—Bradley, Byrd, Eggelletion, Mackenzie, Putnam, Reddick, Turnbull
HR 9439—Bush, Logan, Roberts-Burke

Introduction and Reference

By the Committee on Utilities & Communications; Representative Arnall—

HB 4785—A bill to be entitled An act relating to telecommunications services; creating s. 364.026, F.S.; providing for an intrastate universal service support mechanism for certain purposes; providing duties and responsibilities of the Florida Public Service Commission; providing criteria for rates for high-cost support; providing for determinations of threshold rates; providing alternatives for certain companies in establishing universal support; providing for a third-party administrator for certain purposes; specifying criteria for the third-party administrator; providing for commission oversight of the third-party administrator for certain purposes; providing authority for the third-party administrator to make assessments, receive payments, make and withhold disbursements, and bring legal actions for certain purposes; requiring the third-party administrator to deposit certain moneys into certain accounts; providing for compensating the third-party administrator; providing for reducing intrastate switched access charges under certain circumstances; providing for reducing certain long distance rates under certain circumstances; requiring the commission to make certain determinations relating to the high-cost portion of the universal service support mechanism; providing definitions; providing legislative determinations; directing the commission to make determinations relating to eliminating certain subsidies, realigning certain rates, and fair and reasonable basic local telecommunications service rates; providing criteria; requiring a report to the Legislature; requiring local exchange companies to provide certain information to the commission; requiring the Legislature to make certain determinations relating to certain charge reductions; capping certain telecommunications service rates for Lifeline subscribers; requiring the provision of discounted rates for services for certain subscribers; amending s. 364.163, F.S.; providing a cap for certain rates; requiring reductions in certain rates; repealing s. 364.025, F.S., relating to universal service; providing legislative findings; requiring the commission to study the provision of telecommunications service to multi-tenant environments; requiring a report to the Legislature; requiring the commission to conduct workshops; requiring the commission to consider promotion of a competitive telecommunications market; amending ss. 166.231 and 203.01, F.S.; requiring the Public Service Commission to publish certain rates for commonly used services; amending s. 364.02, F.S.; revising a definition; amending s. 364.336, F.S.; providing for deducting certain amounts from gross operating revenues for certain purposes; amending s. 364.337, F.S.; requiring provision of 911 service at certain levels; subjecting intrastate interexchange telecommunications companies to certain access to records provisions; amending s. 364.339, F.S.; including residential tenants in shared tenant service provisions; requiring local exchange telecommunications companies to implement consumer information programs; providing requirements; providing duties of the Public Service Commission; creating part III of chapter 364, F.S.; providing a short title; providing definitions; requiring the commission to adopt rules to prevent unauthorized changing of certain services; providing requirements; providing requirements for billing practices; repealing s. 364.337(7), F.S., relating to certain deductions from gross operating revenues; amending s. 364.051, F.S.; delaying the date for removing the cap on certain rates; amending s. 215.311, F.S.; excluding certain telecommunications payments from a requirement for deposit into the State Treasury; amending s. 364.161, F.S.; requiring local exchange telecommunications companies to timely provide certain services; requiring the commission to maintain a file of certain complaints; requiring inclusion of certain information in the commission's annual report to the Legislature on competition; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Albright, King, Thrasher, Sembler, and Smith—

HM 4787—A memorial to the President of the United States supporting in part and opposing in part the nomination of the entire St. Johns River for federal designation as an American Heritage River.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Sublette—

HB 4789—A bill to be entitled An act relating to district school board elections; requiring a referendum in certain counties with respect to the composition and manner of electing the school board; requiring affected school boards to provide for orderly transition to a school board so composed if approved by the electors; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Water & Resource Management; Representative Carlton—

HB 4791—A bill to be entitled An act relating to marine resources rulemaking; amending 370.06, F.S.; authorizing the Department of Environmental Protection to issue certain special activity licenses; authorizing rulemaking for issuance of broodstock special activities licenses; amending s. 370.12; authorizing rulemaking for issuance of special permits for marine turtles; providing a definition; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Fischer—

HB 4793—A bill to be entitled An act relating to public hurricane evacuation shelters; amending s. 240.295, F.S.; prescribing duties of the Board of Regents with respect to identifying public shelter space; amending s. 252.385, F.S.; authorizing the use of private buildings as shelters; providing for school boards and community colleges to assist in coordinating certain surveys; providing for public facilities to be made available for use as shelters; requiring the Department of Management Services to incorporate public shelter provisions into leases for certain public facilities; amending s. 252.51, F.S.; exempting the state, its political subdivisions, employees, agents, and others from liability for damages caused by emergency management workers in certain situations; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Rayson—

HB 4795—A bill to be entitled An act relating to the Cities of Deerfield Beach and Pompano Beach, Broward County; extending and enlarging the corporate limits of such cities to include specific unincorporated lands within the corporate limits of said cities; providing for transfer of public roads and rights-of-way, and responsibilities thereof; providing exceptions; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Hill—

HR 9473—A resolution recognizing the achievement of the rank of Eagle Scout by Joseph Hutchinson Sanders.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Lynn—

HR 9475—A resolution honoring the Reverend Carl F. Brinkley.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Livingston—

HR 9477—A resolution supporting the concepts and objectives of "The Florida Panther & Private Lands" and "Private Habitats: Haven for Threatened and Endangered Species" projects.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Turnbull, Lawson, Boyd, and Westbrook—

HR 9479—A resolution in recognition of the Boys' Choir of Tallahassee.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Maygarden, Thrasher, Melvin, Wise, Ritchie, Fuller, Dennis, Hill, Peaden, Burroughs, Crady, Arnall, King, Jones, and Lippman—

HR 9481—A resolution commemorating the 100th Anniversary of the Hospital Corps of the Navy.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Cosgrove—

HR 9483—A resolution recognizing Key Lime Pie as an important symbol of Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Cosgrove—

HR 9485—A resolution honoring Jacques and Yvette Laroche.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Meek—

HR 9487—A resolution honoring Judge Thomas K. Petersen of the Dade County Circuit Court upon the occasion of his retirement.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Lacasa—

HR 9489—A resolution commemorating the 150th anniversary of Steifel Laboratories of Coral Gables.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Lynn, Wise, Kosmas, Ziebarth, and Harrington—

HR 9491—A resolution commending the National Association of Stock Car Auto Racing on its 50th anniversary.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Byrd—

HR 9493—A resolution honoring B. Lee Elam, recipient of the 1997 Key Citizen Award from the Greater Brandon Chamber of Commerce.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Byrd—

HR 9495—A resolution recognizing Mary Ann Diggs as the 1998 Ida S. Baker Distinguished Minority Educator.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Byrd—

HR 9497—A resolution commending Nettie M. Draughon for 57 years of public service to the City of Plant City.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Byrd—

HR 9499—A resolution commending Al Berry for his accomplishments and for being named as the 1998 Outstanding Citizen by the Plant City Kiwanis Club.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Byrd—

HR 9501—A resolution commending the Bloomingdale High School soccer team.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Byrd—

HR 9503—A resolution commending the 1997-1998 Bloomingdale High School varsity cheerleaders for winning the title of first "Western Conference Cheerleading Champions."

First reading by publication (Art. III, s. 7, Florida Constitution).

Reference

HB 4011—Referred to the Committee(s) on Transportation, Finance & Taxation, and General Government Appropriations.

HB 4747—To the Academic Excellence Council.

HB 4749—To the Justice Council.

HJR 4761—Referred to the Committee(s) on Civil Justice & Claims.

HB 4781—To the Economic Impact Council.

First Reading of Committee Substitutes by Publication

By the Committees on Finance & Taxation; Financial Services; Finance & Taxation; Representatives Starks, Melvin, Brooks, Kosmas, Fasano, Maygarden, Trovillion, Kelly, Alexander, Feeney, Byrd, Argenziano, Livingston, Murman, and Posey—

CS/CS/HB 3899—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.023, F.S.; defining "ministerial function," "processing activity," and "investment adviser" for purposes of ch. 199, F.S.; amending s. 199.052, F.S.; increasing the minimum amount of annual intangible personal property tax which a person may be required to pay; providing taxable status of intangible personal property held by a trust for which a bank or savings association acts as trustee or as an agent other than a trustee; providing

responsibilities of Florida residents with a beneficial interest in a trust for which a bank or savings association acts as trustee; providing taxable status of assets purchased by, and property managed by, an investment adviser under specified conditions; providing taxable situs of credit card receivables and charge card receivables; defining "credit card receivables" and "charge card receivables"; conforming language; repealing s. 199.052(11), F.S., relating to returns filed by banking organizations, to conform; amending s. 199.175, F.S., relating to taxable situs; conforming language; amending s. 199.185, F.S.; revising the exemption from intangible personal property taxes for certain property held in trust; exempting accounts receivable arising out of a trade or business from intangible personal property taxes and providing a schedule for implementing the exemption; exempting stock options granted to employees by an employer and stock purchased by employees under certain conditions from intangible personal property taxes; providing a full, rather than partial, exemption from the annual tax for banks and savings associations and revising application of the exemption; exempting insurers from the annual tax; repealing s. 199.185(1)(k), F.S., relating to an exemption for real estate mortgage investment conduits, to conform; repealing s. 199.104, F.S., which provides a credit against the annual tax for banks and savings associations; repealing s. 220.68, F.S., which provides a credit against the franchise tax imposed on banks and savings associations based on intangible tax paid; amending s. 199.282, F.S.; revising the penalty for late filing of an annual intangible tax return; providing a limitation on combined delinquency and late filing penalties; revising the penalty for omitting or undervaluing property on an annual return; amending s. 199.292, F.S.; revising the distribution of intangible tax revenues; amending s. 220.02, F.S., relating to order of credits against the corporate income tax or franchise tax, and s. 624.509, F.S., relating to the insurance premium tax; conforming language; providing application; providing effective dates.

By the Committee on Crime & Punishment; Representative Roberts-Burke—

CS/HB 4005—A bill to be entitled An act relating to the sentencing of capital felons; amending ss. 921.141 and 921.142, F.S.; providing for a separate proceeding to determine whether a defendant accused of or convicted of a capital felony is mentally retarded; prescribing the penalty to be imposed if the defendant is determined to be mentally retarded; amending s. 924.07, F.S.; providing that the state may appeal a determination that a defendant is mentally retarded; defining "mental retardation"; providing an effective date.

By the Committee on Environmental Protection; Representatives Murman and Byrd—

CS/HB 4077—A bill to be entitled An act relating to pollution control; requiring the Department of Environmental Protection to adopt rules to ensure that phosphogypsum stack systems are operated to meet critical safety standards by a specified date; amending s. 403.1651, F.S.; authorizing the department to enter into settlements in which moneys are to be deposited into a local pollution recovery fund and used for specified purposes; providing an effective date.

By the Committees on Environmental Protection; Water & Resource Management; Representatives Saunders, Sembler, and Bronson—

CS/CS/HB 4141—A bill to be entitled An act relating to water resources; creating s. 373.45923, F.S.; providing legislative findings and intent; authorizing the South Florida Water Management District to participate as local sponsor for the Restudy of the Central and Southern Florida Project; providing duties of the Joint Legislative Committee on Everglades Oversight; providing for public hearings; providing reporting requirements; providing for project cooperation agreements; providing for legislative authorization; providing an effective date.

Daily Folder

Communication was received from the Speaker that under Rule 132, the Daily Folder for Tuesday, April 14, 1998, beginning at 8:40 a.m., would consist of the following:

8:40 a.m. - 9:10 a.m. Economic Impact Council Calendar
9:10 a.m. - 10:00 a.m. Governmental Responsibility Council Calendar
10:00 a.m. - 10:40 a.m. Academic Excellence Council Calendar
10:40 a.m. - 11:30 a.m. Justice Council Calendar
11:30 a.m. - 12:00 p.m. Ceremonial Resolutions Calendar

Reports of Councils and Standing Committees

Council Reports

The Honorable Daniel Webster April 14, 1998
Speaker, House of Representatives

Dear Sir,

The following report of council actions is respectfully submitted as the Calendar, adopted on April 14, 1998, of the Justice Council.

Rank
1. CS/HB 3327—Sexually Violent Predator Treatment
2. HB 3763—Cemetery Preservation & Consumer Act
3. CS/HB 3733—Offenders/Correctional Supervision
4. HB 3547—Homestead Tax Exemptions/SS Numbers
5. CS/HB 3511—Driver License Revocations
6. CS/HB 1381—Court Costs & Fines Collection
7. CS/HB 3373—Pretrial Detention
8. HB 1269—Vehicular Homicide/Unborn Child
9. HB 3217—Foster Care/Privatization
10. CS/CS/HB 3657—Culpable Negligence
11. CS/CS/HB 71—Journalist's Privilege
12. HB 4219—Mutual Aid Agreements
13. CS/HB 3367—Judicial Nominating Commissions
14. CS/HB 3549—Citizen Participation in Govt. Act
15. HB 909—Concealed Weapons/Nonresidents
16. HB 3141—Employment Screening/Criminals
17. HB 3303—County Court Assessments
18. CS/HB 3539—Notification of Escaped Prisoner
19. CS/SB 930—Notification of Escaped Prisoner
20. HB 1019—Marriage Preparation & Preservation
21. HJR 3151—Homestead Exemption/Age 65 or Older
22. CS/CS/HB 3265—Boater Safety
23. CS/HB 3245—Fla. Mobile Home Act
24. HB 1317—Leased Personal Property/Defraud
25. CS/HB 3011—Relief/Vernelle Lowder
26. SB 42—Relief/Vernelle Lowder
27. CS/HB 1167—Public Records/DOC Personnel
28. CS/CS/HB 2037—Residency Requirements
29. HR 9013—Local Public Facilities/Juveniles
30. CS/HB 1257—Adoption
31. CS/HB 1513—Adoption

A quorum of the Council was present and a majority of those present agreed to the above report.

Respectfully submitted,
Representative Victor D. Crist, Chair

Committee Reports

Received April 14:

The Committee on Community Affairs (Governmental Responsibility Council) recommends the following pass:
HB 3649, with 1 amendment (unanimous)
HB 3859, with 1 amendment (unanimous)
HB 4081 (unanimous)
HB 4097 (unanimous)
HB 4171 (unanimous)
HB 4173 (unanimous)
HB 4243, with 2 amendments (unanimous)
HB 4249 (unanimous)
HB 4323, with 1 amendment (unanimous)
HB 4505, with 2 amendments (unanimous)

HB 4531, with 1 amendment (unanimous)

The above bills were placed on the appropriate Calendar or Council list.

The Committee on Financial Services (Economic Impact Council) recommends the following pass:
SB 766 (unanimous)
CS/SB 1342 (unanimous)
CS/SB 1346 (unanimous)

The above bills were placed on the appropriate Calendar or Council list.

The Committee on Environmental Protection (Governmental Responsibility Council) recommends a committee substitute for the following:
HB 4077 (unanimous)

The above committee substitute was placed on the appropriate Calendar or Council list, and, under the rule, HB 4077 was laid on the table.

The Committee on Community Affairs (Governmental Responsibility Council) recommends the following pass:
HB 3135 (unanimous)

The above bill was referred to the Committee on Health & Human Services Appropriations.

The Committee on Environmental Protection (Governmental Responsibility Council) recommends a committee substitute for the following:
CS/HB 4141 (unanimous)

The above committee substitute was referred to the Committee on General Government Appropriations, and, under the rule, CS/HB 4141 was laid on the table.

The Committee on Finance & Taxation recommends a committee substitute for the following:
CS/HB 3899 (fiscal note attached, unanimous)

The above committee substitute was referred to the Committee on General Government Appropriations, and, under the rule, CS/HB 3899 was laid on the table.

The Committee on Financial Services (Economic Impact Council) recommends the following pass:
HB 4489, with 1 amendment (unanimous)

The above bill was referred to the Committee on Civil Justice & Claims (Justice Council).

The Committee on Community Affairs (Governmental Responsibility Council) recommends the following pass:
HB 3849 (unanimous)

The above bill was referred to the Committee on Finance & Taxation.

The Committee on Crime & Punishment (Justice Council) recommends a committee substitute for the following:
HB 4005

The above committee substitute was referred to the Committee on Civil Justice & Claims (Justice Council), and, under the rule, HB 4005 was laid on the table.

Enrolling Reports

HBs 791 and 1649; CS/HB 3061; CS/CS/HB 3131; CS/HB 3147; CS/HB 3223; and HB 3231 have been enrolled, signed by the required constitutional officers, and presented to the Governor on April 14, 1998.

John B. Phelps, Clerk

Excused

Reps. Bullard, Mackey, Safley

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time: HBs 4201, 4203, 4205, 4207, 4209, 4211, 4213, 4215, and 4217 (general appropriations and implementing bills): Rep. Garcia (Chair), Rep. Ritchie (Vice Chair and At Large), Rep. Flanagan, Rep. King, Rep. Posey, and Rep. Roberts-Burke (At Large); Criminal Justice Appropriations—Rep. Villalobos (Chair), Rep. Meek, Rep. Melvin, Rep. Bainter (alternate), Rep. Crady (alternate); Transportation & Economic Development Appropriations—Rep. Merchant (Chair), Rep. Bradley, Rep. Feeney, Rep. Livingston, Rep. Reddick, Rep. Smith, Rep. Minton (alternate), Rep. Valdes (alternate); General Government Appropriations—Rep. K. Pruitt (Chair), Rep. Barreiro, Rep. Lawson, Rep. Mackey, Rep. Morse, Rep. Bronson (alternate), Rep. Eggelletion (alternate); Health & Human Services Appropriations—Rep. Sanderson (Chair), Rep. Clemons, Rep. Hafner, Rep. Jones, Rep. Lacasa, Rep. Littlefield, Rep. Logan, Rep. Albright (alternate), Rep. Dennis (alternate); Education Appropriations—Rep. Sublette (Chair), Rep. Boyd, Rep. Chestnut, Rep. Constantine, Rep. Warner, Rep. Wasserman Schultz, Rep. Wise, Rep. Culp (alternate), Rep. Lynn (alternate), and Rep. Turnbull (alternate).

CS/SB 874 (tort reform): Rep. Warner (Chair), Rep. Clemons, Rep. Thrasher, Rep. Byrd, Rep. Bitner (until the return of Rep. Safley), Rep. Bradley, and Rep. Lippman (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 12:01 p.m., to reconvene at 8:30 a.m., Wednesday, April 15.

Pages and Messengers
for the week of
April 13-17

PAGES—Leroy Baines, Jr., Fort Lauderdale; Daniel R. Bazley, Green Cove Springs; William J. Bazley, Green Cove Springs; Jonathan Bouchlas, Royal Palm Beach; David Allen Boyd, Monticello; Adrian Campbell, Miami Shores; Brittani Faulkenberry, Cocoa; Joseph Gindle, Brandon; John Tyler Harding, Jacksonville; Ashley Joiner, Panama City; Christopher Maguire, Ponte Vedra Beach; Laura Kay Parker, Orlando; Matthew M. Pepper, Live Oak; Latrevia K. Somerville, Pensacola; John Leonard Wells, New Port Richey; Ashley Lauren Word, Gainesville.

MESSENGERS—Sweneda D. Berrian, Pensacola; Sherer Byrd, Plant City; Erin Cannon, Melbourne; Nicholine van Coller, Tallahassee; Emily Everidge, Plant City; Stephanie C. Frank, Pensacola; Matthew Gaetz, Niceville; Maggie Hehn, Plant City; Adam Marcus Hendry, Jacksonville Beach; Mathew Evan Levine, Plantation; Brian London, Pembroke Pines; Donnie Marsh, Gainesville; Morgan Lora Maygarden, Pensacola; John S. Mead, Fort Walton Beach; Kristin Brooke Morris, Stuart; Leslie Nichole Parker, Orlando; Katie Patchett, Tallahassee; Chloe Marie Rayson, Pompano Beach; Sarah A. Riley, Orlando; Michael Schmidt, Palm City; Adam J. Silberman, Coral Springs; Christopher Scott Smith, Tampa; Sharon Audra Stant, Crestview.